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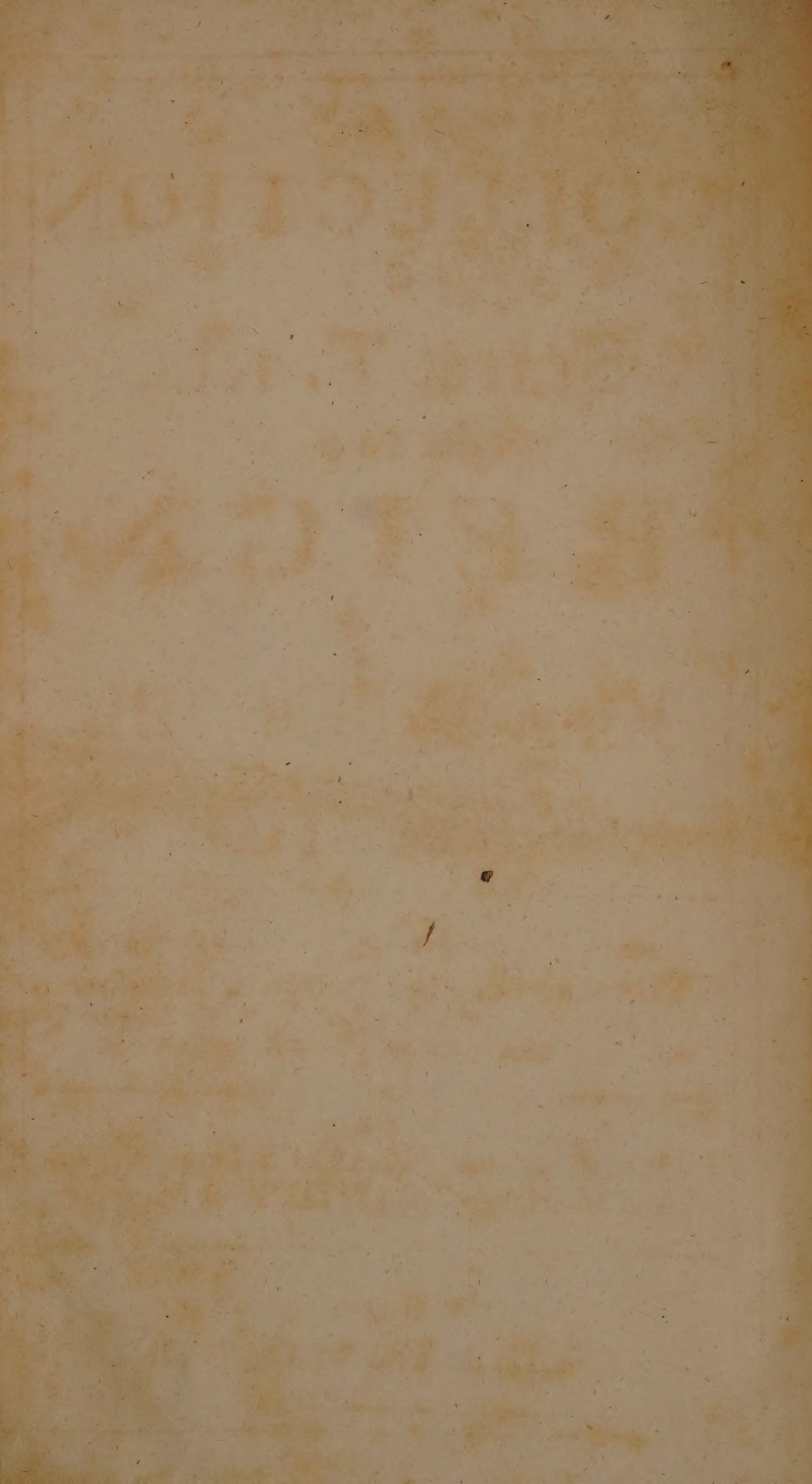
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A
COLLECTION
OF

State Tracts,

Publish'd during the

REIGN
OF

King William III.

Vol. III. and Last.

In which is Inserted (being now first printed from the Manuscript)
A Vindication of the late Revolution, in Answer to
two Memorials, and a Protestation against the Peace of Res-
wick, and to other Papers publish'd in K. James's Name.

WITH A
Table of the several TRACTS in this Volume,
And an Alphabetical INDEX of Matters.

LONDON,

Printed in the Year M. DCC. VII.

A
COLLECTION

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State Trials

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REIGN

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King William III.

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A Vindication of the late Revolution, in the year 1688.
two Memorials, and a Proposition against the Petition of
Right, and to other Papers published in R. James's Memoirs.

WITH A

Table of the several TRACTS in this Volume.
And an Alphabetical INDEX of Matters.

LONDON

Printed in the Year M.DCC.VII.

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THE
CLAIMS
OF THE
People of England
ESSAYED,

In a Letter from the Country.

Printed in
1701.

Honour'd Sir,

FROM that share of your Conversation that has sometimes happily fallen to my Lot, I could not but take notice how much you were concern'd in observing the present Affairs of *England*, which point out to some extraordinary *Crisis*, but of such a Nature as is not likely to favour the Peoples Interest so much as I could wish for: as may be gather'd from the Unconcernedness with which they have beheld the Practices of a Court, not unlike to what they have formerly seen. It is not consider'd that the Hopes which all good Men had conceiv'd from the late Revolution, have (at least in some measure) been disappointed; whilst by some strange and unaccountable Methods, the Revolution is gone backwards as far as King *Charles* the Second's Reign. So that *Fortune* seems to hold the Publick Scale, which is not as yet (here at Home) determin'd by the weight of *Success* and *Settlement*.

We have not as yet found that *Success*, either in War or Peace, which might reasonably have been expected, *France* having lately obtain'd more Advantages in one Month's Peace, than in ten Years War: Which some impute to the management of the Court, others to the neglect of our Parliaments. Nor can we boast of a full *Settlement* in all our antient *Liberties*; the People in the mean while are only Spectators of what is working. All they pretend to at present is only to be Entertainers of *Fortune* by the Day, without taking thought for to Morrow.

The Reason of this our unsettled Condition is oftentimes charg'd upon those who bear their Parts in the present Administration: as if their highest Concern were to promote their private Interests, whilst they sacrifice the Publick to *Fortune*. Some are so weak as to blame the *King*, which is as ridiculous as for the Tenants to blame the Lord of the Mannor for not rectifying the Abuses crept in among them, when their own Grand Jury have not so much as presented them in open Court.

But after the best Observation that I can make, the Blame of our imperfect Revolution is chiefly (if not wholly) to be laid on the Commoners of *England*; who having a just Claim to be the richest, strongest, best-govern'd, and in all respects

The Claims of the People of England.

the greatest People in *Europe*, do yet (through mere Negligence and Carelessness) abstain from the pursuit of these their just Claims, which with small Application they may make good both to themselves and Posterity; pretending only to rouse up themselves from Sleep when the Bow-string touches their Neck: But as soon as the imminent Danger is past, the Fear is over, and no Precaution taken to prevent the like Calamity for the future. 'Tis a Misfortune to a well-inclin'd Prince, that he is subjected to those Temptations which such a careless Humour of his People brings upon him; and a People who so grossly neglect themselves, lose the Right of complaining if they are neglected by their Governors.

Nevertheless I cannot but think it the Duty of *English-men*, to advise and assist one another for the Publick Benefit; and particularly by endeavouring to awaken their drouzy Country-men out of this seemingly fatal Lethargy; to the end that they may take a view of those eminent Advantages to which they can make so good a Title, and that the growing Generation may be excited to exert that Power which God and the happy Constitution of the *English* Government have put into their Hands; whereby at last they may make good all their just Claims both to themselves and such as shall come after them.

Moses his Practice.

This was the Method (as a Politician would say) which *Moses* took when he led an unfortunate Colony of his own Country-men out of *Egypt*; when to raise their Courage, which had been long dejected by their slavish condition of Life, he assur'd them that they were God's peculiar People, belov'd by their *Jehovah* above all other Nations: And if they would but shew themselves like Men, and vigorously push on their Fortune, they might make good their Claim to a Land flowing with Milk and Honey. The History of that Time shews us that this one Insinuation of *Moses* had such an admirable Effect upon his People, that the Rule *Credo quod habes & habes*, was exemplify'd in them: For they made good that Title which God had given them to the Land of *Canaan*.

The Advantages that England lays claim to.

'Tis also a Matter of fair Belief that the People of *England* have not only a Title to, but likewise the actual Possession of as good a Country as was that which *Israel* fought for: And that they ought to enjoy not only the Benefits of this Land, but in virtue of those Advantages, in conjunction with their own good Nature and happy Genius to Manufactures at home and Trade abroad, they have a Right to be the richest, strongest, best-govern'd, and consequently the greatest People of *Europe*. And I humbly conceive that 'tis at any time in their Power to make good all these Claims to themselves and Posterity upon the foot of their old Constitution, under the Administration of his present Majesty King *William III.* without running the least hazard of Alteration or new Revolution. And I am persuaded that if the People of *England* were appriz'd hereof, they would soon take their Right into their possession.

Now, Sir, not knowing how to exert such a sublime and powerful Oratory as may raise the People from their dangerous Lethargy, nor being able to sound into their Ears the Advantages they only dream over, my humble Request is, that you would employ that clear and persuaive Stile you are Master of, in setting forth the *Claims of the People of England*: Which are ground'd,

- I. Upon the Growth and Manufacture of *England*.
- II. Upon its Populousness, together with the Genius of the People to Trade by Sea. And,
- III. Upon the convenience of our Situation for a Sea-Trade.

From these three Things put together we may claim the greatest Trade of *Europe*: And, in virtue thereof, the greatest Strength at Sea, and Plenty at Land.

IV. From the Good Nature of *English* People they have a just Claim, to the good Opinion of their Sovereign Prince, whoever he be that shall rule over them. If a Prince be made jealous of his Peoples Levity, the Strength of that Government is lost; but when a Prince can firmly rely upon the Affection of his People, then is that Nation in the fulness of its Power, as was *England* in the Reign of Queen *Elizabeth*.

And all our Historys will witness for us, that we were never subject to Levity; having always vigorously assisted our Kings in all their Enterprizes, which were not design'd directly against our own Selves: And as long as any of our late Kings of the *Scottish* Line were tolerable, we bore Faith and true Allegiance towards them, altho we saw both the Honour and Interest of the Nation much impair'd by the

The Claims of the People of England.

3

the novel and narrow Methods of their Administration. Indeed the whole Administration of the *Scotish* Line seems to have been one continu'd Experiment of the *English* Solidity, and a strong Proof how much the Nation cou'd bear. For *James I.* was obey'd during his long and corrupt Reign, notwithstanding the high Provocation which his *Scotish* Favourites gave to the Nobility and Commons. The Burden of King *Charles I.* and his Popish Queen was born as long as it was in any measure supportable. I can remember when King *Charles II.* shut up the Exchequer, and took the publick Revenue to his private Uses; which no free People in the World, but the *English*, wou'd have endur'd, especially when instead of paying his Debts, the publick Treasure, in conjunction with the *French* Pensions, was employ'd to bribe an House of Commons, which is the worst Mischief that can possibly befall us. For a foreign Invasion may be repel'd, or if it prove successful for a time, yet the old Spirit of *England* may arise at one time or other, and we may take Heart of Grace, and cut the Throats of our Lord Danes; but if the Representative Body of the People be pension'd at home, or from abroad, all our Rights will be submitted to Pleasure. But yet all the People bore the burden of King *Charles II.* for many tedious Years. And King *James II.* did actually subvert the *English* Laws before the People rose in their own Defence.

The good Humour of England

In K. Jam. I's Reign, - K. Ch. I. & K.Ch. II.

Surely there are not a better-natur'd People than the *English*, or a Commonalty of better Sense, or which shew a stronger Inclination to Acts of Justice and Kindness. Whosoever employs them, and pays them for their Labour, shall find them offering their Friendship upon any emergent Account wherein they may be serviceable. And their Love to Justice is seen by their constant taking the Magistrate's part in the execution of Justice: And tho the Hearth-mony was a Tax of that nature, that in some measure it invaded every Man's just Dominion over his own Freehold; yet as long as that Tax was collected by the known publick Officers in Towns and Country-Villages, the People paid it quietly: but when that Revenue was farm'd out to Court-harpies, and the Opinions of the Attorney and Solicitor General were brought into the Country by unknown Collectors, to overawe the Justices of the Peace into a compliance with their Usurpations, it must be confess'd that in some Places the common People disputed with the Chimnymen the Authority of the Attorney and Solicitor to stretch a Tax beyond its true Staple.

The good Nature of the People of England.

In most other Countries the Case is otherwise, where the common People will take upon them to obstruct the Execution of Justice, and where the Magistrate stands in fear of the People; a thing unknown in *England*, where the common Man is the Protector of the Magistrate, or of the meanest Officer in the Execution of Justice.

The C. S. different abroad.

Nay, there is scarce a common Man in *England* but is fit for an Arbitration, as was pleasantly observ'd by a *German* Gentleman, at his return from *London* into his own Country; where, meeting with an *English* Gentleman in his Travels, he took an occasion to tell him, How having lost his Dog in that City, and by Accident espying him some days after, he took him up into his Arms, but was interrupted in the possession of him by a Lifeguardman, who being assisted by his Companions, fell upon the Stranger and seiz'd his Dog, affirming it to be his own: but the People seeing such Violence offer'd to a single Man, and pitying the poor Foreigner, who, for want of *English*, cou'd not plead his own Cause; one of the Croud, who was a Blacksmith, perceiving that the Quarrel rose about the Ownership of the Dog, presently undertook to decide it; and setting the Foreigner and Guardman at a good distance from each other, plac'd the Dog in the midst, and made Signs to both of 'em to call him, who presently ran to the Foreigner, and was awarded to him by the Blacksmith and the whole Croud. An Accident of this nature wou'd not have been taken notice of by an *Englishman*, but yet this Accident was related by this *German* as a thing worthy of his Observation; he saying at the same time, that he thought the common People of *England* to be the justest People in the World.

The Adventure of a Stranger at London.

And as to the common People of *England*, it may be truly said of them, that the Government they live under renders them more able for, and more inclining to Justice than any other People, viz. because almost all the Executive Power of the Law is lodg'd in their Hands. 'Tis hard to find a Man who has not sometime been call'd to bear Office in his Parish or Borough, or who has not serv'd on the Coroner's Inquest, or on some Jury or Homage in Court-Baron or Court-Leet, if not at the Quarter Sessions or Assizes; whereby the common People of *England* gain

The Peoples share in the Government.

The Claims of the People of England.

a greater experience in Justice than the practice of Law in foreign Countries will allow to that sort of People.

Their Mistake in the Choice of Members of Parliament.

You will say then, What makes the People of England so much mistaken in their greatest Concern, as sometimes to chuse such Members of Parliament who will sell their Interest for Pensions, and not such who will make good all their Claims? And you may as well ask the Question, how Men come to sin against God? which Question will soon be answer'd, if it be only suppos'd that the Devil, a most sagacious cunning old Creature, is permitted to play a thousand invisible Tricks upon Mankind in order to delude them, if he can inject what Ideas he pleases into our Minds, and hold 'em there till they dazzle our Imaginations, obscure our brightest Thoughts, and thereby excite our Inclination to join with his Suggestions. And if it be the manner of a Court to study plausible Fallacies, and find out false Colours on purpose to draw the common People from their true Interest, how shall they avoid being deceiv'd? Especially if Satan shall appear like an Angel of Light, as heretofore, when the sacred Function recommended *Slavery* under the specious colour of *Loyalty and Apostolick Obedience*.

The Charm of Self-Interest in Parliament.

The Spirit of this Charm is only an Opportunity given to Self-Interest in Parliament, which, Mankind wanting the moral Virtue of Self-denial to withstand, has need to be fortify'd by the Political Virtue of a self-denying Ordinance.

Indeed the State-Magick of latter Days has outdone all former Enchantments, not excepting those of the old Witch *Circe* her self. The *Romans* of old cou'd not have preserv'd their Gravity and Discretion, if, during the War with *Gaul*, they shou'd have seen their old Senators delighting to wear the *Gallick Dress*; especially if they had heard that the *Gauls* took a Fancy to the *Roman Gown*: If *Camillus* shou'd have pleaded the Cause of *Gaul*, and *Brennus* shou'd have protested that he had brought an Army into *Italy* to be commanded by the Senate of *Rome*. And if such magical Mummery shall be seen in *England*, by which the old Champions for publick Liberty shall be held in *Limbo*, and not suffer'd to move their Tongues but in behalf of Royal Prerogative, whilst on the other hand the Men of high Principles shall advocate the People's Liberties; the common People who behold this strange Metamorphosis, may be allow'd to forfeit one Moiety of their Understandings, whilst their Heads turn round with the Enchantment.

Office of Trust given by the Court.

Besides this, there are so many Commissions for Places of Honour and Trust, which are deriv'd from the Court, and receiv'd as great Favours by the Country-Gentlemen, as are sufficient to delude the better sort of Men; for a Gift (as *Moses* observ'd) blindeth the Wife, and perverteth the Words of the Righteous, *Exod. 23.8*. I remember a certain Person who happen'd in Discourse to say, That the King's Proclamations were not Laws, but only set forth to give the People notice of some Law, which at that time was needful, in a more than ordinary manner, to be put in execution. But this Person was severely reprimanded for so saying by a Justice of the Peace at that time in high Favour, who, by his Authority in the Country, carry'd it in the Affirmative. Now if Men of Figure and Quality are thus far charm'd by Court-magick, how shall the common Man preserve himself? Such is their simple good Nature, that if a Gentleman treats them with common Civility, they think that they can never sufficiently repay the Condescension. But the most condescending Men have some private Interest to serve by the Privileges of Parliament, or some Perquisites belonging to that Station which are sometimes seen to pervert the Words of Righteousness.

Court-Preferments change Men.

These Court-Mollifications have occasion'd the wonderful Changes which of late have been observ'd among Men. Have we not seen Men of eminent Abilities, noted Integrity, and known Love to their Country, promoted to Places in Court? Who in the late Reigns expos'd themselves to the madness of King *James*, and the bloody Zeal of the Popish Party, in defence of the Laws and Liberties of *England*, but are now in appearance promoting Slavery in complaisance to a Court. They were known to be Men of good Nature, Veracity and Friendship; but have now learn'd the figurative way of expressing themselves by Words without meaning. Now they sacrifice their old Friends to their old Enemies, to convince them, that they are no longer that sort of Men which heretofore they were taken to be. And as for Nature, the Case has been observ'd to stand thus: Let an ill-natur'd Man be prefer'd at Court, and he shall still preserve that Nature which he brought thither with him: But Court-Preferments shall change a Man's good Nature into mere Artfulness, he shall become an artificial Man, having no Nature at all; yet striving by Art to counterfeit his former good Nature. Such a one is only the living Image of

of his former Self: He will speak kindly to a former Acquaintance, and promise what he never intends to perform. What shall one say of this Transmutation of human Nature! What a thing is Man! Is the human Soul no more than the Result of Bodily Temperament, in conjunction with the Circumstances of Fortune? Is it come to this, that there must either be no Monarchy or else no Morality in the World?

No, things need not come to this pass, if the Parliament but lay Claim to their antient Right of disposing the Trusts of the Nation. The true publick Spirit of *Antient Custom of Parliament to dispose of Places.* Old England will be reviv'd thereby, and the Monarchy under this Circumstance will introduce no Immorality. This is what was practis'd in the Administration of the old *English* Government, when the publick Trusts of the Realm were dispos'd of by the Estates of the Realm in Parliament assembl'd; and *Matthew Paris* tells us, That when King *Henry III.* attempted to create a Judge by his own Power, the Parliament then sitting made a Remonstrance against it, telling the King, *That it was not wont to be so in the days of his Royal Predecessors.* And the reason of this Remonstrance is given by Mr. *Daniel* (our best *English* Writer of History, because he copies *Matthew Paris*) in these Words: *For (says he) as the Function is publick, so also ought to be the Election.* This one Rule lays a Foundation of publick Liberty; for hereby all the Movements in the Common-Weal are rendred conformable to the true first Mover, from whence they receive their Energy. And 'tis this Practice alone which makes all Governments useful and easy: As in a Parish-government, wherein the Churchwardens and Overseers of the Poor are chosen by the Inhabitants: And the Surveyors of the High-ways are likewise recommended by the Parishioners, as also the Constable and Headborough; and hereby it is that Parish-government carries nothing in it uneasy or displeasing to the People. For naturally every one is best pleas'd with his own choice, and hereby both Honours and Burdens are equally born. And why should I give more Trouble than needs must to a Parish-Officer, when I know 'twill come to my own turn to bear Office, if I have not known the Trouble of it already?

So in the Government of a Mannor, the Grand Jury and Homage present all Grievances and Vacances which happen by the Death of their Fellow Tenants; thus they live easily under their Lord, who is oblig'd to act in conformity to their *Prerogatives.*

In like manner when High Sheriffs and Lords Lieutenants of Counties were chosen (as heretofore) by the Freeholders at the County Court, it occasion'd a great Bond of Union and Affection between the Counties and their Governors, both Civil and Military. That it was thus of old we read in *St. Edward's Laws*, in the Chapter *de Heretochis*, *There were certain Officers appointed throughout all the Kingdom, who were call'd Heretocks, in Latin Dukes, Commanders of Armies, that were to command the Forces of the several Counties for the good of the Realm; and they were chosen by the General Council, and in the several Counties at the publick Assemblies of the Inhabitants, as the Sheriffs ought to be chosen.* And it may be observ'd, that when the Lords Lieutenants were chosen by the Freeholders, the Militia was sufficiently useful to defend the Realm, or to invade *France* when there was occasion: And the rather, because their General Officers were chosen in Parliament. *The Choice of High Sheriffs.*

And without doubt nothing can lay so firm a Foundation of Love and Affection between those who are in Power, and those who obey, as when the Superiors have their Trusts committed to them by publick Consent. And therefore it may be presum'd, that the great Wheel of the National Government mov'd regularly and easily, when the great Officers of the Realm were chosen by the Estates of the Realm assembled in Parliament, as was the antient Custom.

But tho the Disposal of publick Trusts has, for a long time, pass'd into Royal Prerogative; yet these great Trustees do to this day wear in their Titles their old Relation to the Realm, and not to the King of England: thus it is not said, *The King's Lord High Chancellor, the King's Lord Treasurer, the King's Lord High Admiral*; but *The Lord High Chancellor of England, the Lord High Admiral of England, the Lord Treasurer of England.* *The Choice of High Officers, the Prerogative of the Crown.*

Amongst the Subaltern Governments in the Realm, that of *London* still retains its Conformity to the old publick Weal of England: For the Citizens at their Wardmoots chuse the Alderman of their Ward for Life, and their Common Council men only for a Year; reserving to themselves the liberty upon every *St. Thomas's* day to leave out and take in for the ensuing Year whom they please.

The Claims of the People of England.

But to return to the great Trusts of the Realm. Nothing has been said of late with greater Confidence and less Reason, than that if the King shou'd suffer these Trusts to be withdrawn from his sole Disposals, he wou'd thereby unking himself, and dwindle into a *Doge of Venice*. And yet 'tis certain, by what we read in our old Histories, that our former Kings, who had not gain'd this Prerogative of Place-giving, did greater Things than any of our latter Princes. Nay, the same Histories will inform us, that those Kings who attempted to break in upon this ancient Privilege of the Parliament, did thereby lose the Love of their People, and became mean in their Character. Witness King *John* and his Son *Henry III.*

But altho the Court may think it convenient to dispose of the great Trusts in the Realm, Right must still take place of a real Convenience, much more of an imaginary one. And if the Disposal of these Trusts was originally lodg'd in the Estates of the Realm, it must be there still remaining, except only what part of it they have granted away by their own free Consent. And if they have granted away to the King no more power than that of making Lords Lieutenants and High Sheriffs, the power of creating all other great Officers of Trust must still remain in them.

Query, If the Disposal of Places of Trust be for the K's Advantage. But after all it may be doubted, whether the King's Disposal of publick Trusts be for his Majesty's Advantage. 'Tis certain that the People will be best pleas'd when the publick Trusts are at their own Disposal: And 'tis no small Advantage to a Prince to reign over a People who are freed from Jealousy and Discontent. But the Royal Prerogative of Place-giving, has been the occasion of all the Jealousies between the King and People that I can remember; which has come to pass by this never-failing way and means.

There is a vicious Gratitude in Mankind which inclines him to rob *Peter* that he may pay *Paul*, viz. to gratify their Patron or Benefactor at the expence of the publick Weal: As if a Man's prior Obligation to the Publick were effac'd, by a fresh Obligation to the King. 'Twas this frailty which work'd once upon the Bishops to oppose the Bill for excluding the (then) Duke of *York*: They were Casuists good enough to know that their original Obligation to the Publick, ought to have taken place of that latter Obligation the Duke had laid upon them, by promoting them to their Sees; but yet the Vice of Gratitude carried them away from their known Duty. From the same vicious Gratitude arose all the religious Flatteries of that time; as the *Jure Divino-ship* and Unaccountableness of Kings, together with that Claim of a Patriarchal Power; that there is no distinction between the natural and political Power of a King; that Laws are no Bounds to a King's Imperial Power, tho they may guide his politick Power; together with the traitorous Doctrine of *Passive-Obedience*, which at once takes away all the Security of Laws, by changing the Government from Legal to Arbitrary.

It may be noted that these pernicious Doctrines were the Inventions of learned Men and great Wits, who, by large Preferments, were invited to Court-Service: Which shews, that as the old English Constitution was plain and easy, so your great Wits are apt to soar above it, or wander beside it. Indeed this sort of Men serve at Court to cast a suspicion upon the King, as if he wanted the help of some cunningly devis'd Fables; and when all is done, after the common People have been deluded, they will come to themselves again, and will not for any long time suffer themselves to be govern'd by any other Principles than those of common Sense.

But let us suppose that the honourable and profitable Trusts of the Realm were dispos'd (as heretofore) by the Estates in Parliament, in such a Case Gratitude to Benefactors wou'd become a Virtue of the highest Rank. Let the Men of Place make it their chiefest Study to shew their Gratitude to the publick Weal: This Gratitude can never be vicious, or overflow its Bounds.

Besides, I do not think that any one thing can contribute to raise the Esteem of the King among his People, so much as his free Offer to restore this ancient Claim to the Estates in Parliament. If the English Nation is leaning to that Temper, which *Tacitus* observ'd of the Romans in his time, *Nec totam libertatem ferre possunt, nec totam Servitutem*; if the English will not suffer themselves to be quite enslav'd, nor yet make themselves quite free; an Opportunity is thereby put into the Hands of a good Prince to set them free, and thereby render his Reign in the highest degree Glorious. And since the Doctrines and Methods of Slavery, and all the Dog-tricks of State, have in this last Age been devis'd by those Men to whom our former Kings have given the publick Places and Pensions; what can contribute

Query, If the Disposal of Places of Trust be for the K's Advantage.

The Glory of a free Offer to restore the ancient Claims of Parliament.

tribute more to promote a publick Spirit in the Ministry, than when they shall receive their honourable and profitable Trusts from the publick Council of the Nation?

Something (at least) equal to this was expected at the beginning of the late Revolution, and Disappointment naturally breeds Discontent; but Discontent vanishes away when Expectation is answer'd. It may be some will say that this is a Commonwealth Notion: Then say I that *England* was a Commonwealth from the Reign of *William* the First to King *Henry* the Third's time, tho it never wanted a King all that while. What strange magick Spell lies hid in the word *Commonwealth*! It frights Men like a Goblin. But yet did not King *James* the First tell his Parliament from the Throne, *That he took himself to be the chief Servant of the Commonwealth of England*? And had King *James* the Second serv'd the Commonwealth of *England* as heartily as he serv'd a foreign Popish Interest in opposition thereto, he might have sat upon the *English* Throne at this day. Is any Government so much as tolerable which is not a Commonwealth? that is to say, which does not aim at Common Weal? Ought not every King and every Subject to be a Commonwealthsman? and contribute all he can to the publick Weal of his Country? He who is not a Commonwealthsman, is a political Schismatick and Separatist, a State-Phanatick: A King who is not a Commonwealthsman is a Grand *Turk*, a *Morocco* Emperor, a *French* King, to whose Protection we recommend such Subjects who hate Commonwealths. But if there be such a Man in the World who will not be content to enjoy the Liberties of an *Englishman* under a Kingly Administration, but who had rather that the King be depos'd than that the Ends of Government shou'd be answer'd by his Royal Care; if you see such a one as this, catch him, and send him to the Baboons in the *Beargarden*, but *Let the King live for ever*.

A Commonwealth Notion examin'd.

Now shou'd we suppose a Demize of the Crown to a Foreign Prince of the *Hannover* Line, wholly a Stranger to *England*, and therefore more liable to Mistakes in the Characters of Men and Choice of Ministers than any former Prince; or supposing before any such foreign Succession shou'd happen, that her Royal Highness the Princess *Anne* (happening to survive our present wife and most sagacious Prince) shou'd take this Course propos'd, and upon the first meeting of her Parliament the (then) Queen shou'd offer the Choice of her Privy Council to both Houses, signifying that it is her Royal Pleasure that such Persons, whom they shall think fit to recommend, shall also enjoy the honourable and profitable Trusts of the Nation, in recompence for their constant Attendance at the Council-Table; Is it possible that any Man shou'd gain a Recommendation from the noble House of Peers, or honourable House of Commons, by any other way than his known Ability and Integrity for publick Service? And if the Queen shall be pleas'd to govern her People by the Advice and Consent of such a Council, Is it possible that any Parliament shou'd dislike her Administration? Wou'd she not reign in the Hearts of her Subjects as Queen *Elizabeth* of old, and by such a Precedent transmit her Throne to her Posterity or Successors, as unmovable as the Center of the World? Whereas the Hearts of our former Kings (as *Edward* and *Richard* II.) misplac'd upon other Favourites than the Body of the People, brought on the Forfeiture of their Imperial Crowns and Dignities.

But if the publick Trusts of the Realm shall be left to the Disposal of a Court-Favourite, who for secret Services shall be promoted to great Titles and an exorbitant Power with the Prince; those honourable Trusts, I have been speaking of, must of mere necessity be left to the care of the meanest and vilest Sort. For Men who have a Sense of Honour, and are conscious of their own Ability to discharge those high and noble Trusts, will hardly be so much submitted as to bend under this Court-Favourite, and owe their Advancement to such a Conduittube of Royal Favour: So that none but those of the meanest and basest Spirit can be capable of being admitted into the greatest Trusts of the Realm. Something of this nature may possibly have happen'd heretofore under the Reigns of *Pierce Gaveston*, the two *Spencers*, and *Michael de la Pool*; and of late under the successive Reigns of *Cleaveland* and *Portsmouth*.

And whoever considers that noble Peers and effeminate Minions, Right Reverend Prelates and audacious Strumpets, with their illegitimate Off-spring, infamous Auxiliaries and ignominious Band of Prostitutes, derive their high Characters and illustrious Titles from one and the same Spring-head, will be tempted to think that the Fountain of Honour (as it has lately run) is in some measure capable of Pollution.

But

But if the Torrent of Royal Favour, which at its first Eruption may contract some foulness by reason of its impetuous Course, carrying along with it both Slime and Mud, should be conducted through such an even Channel, wherein its Pollutions may be separated and subside, it may by that means work off all its Dregs, and become a Transparent and Christal Stream. To conclude this Head of Discourse, it amounts only to this, That the good Nature of *English* People, in conjunction with that good Sense which they derive from the share of Publick Government entrusted to their Administration, may lay Claim to the good Will and Affection of their Sovereign Prince, who may safely entrust them with any Powers which were formerly vested in their Ancestors.

Old Custom
of Parliam-
ents to
meet every
Year.

'Twas indeed an old Custom for the Parliament to meet every Year on a Day certain (as on the First of *May*) and at a certain Place; which Custom was interrupted by reason of Wars in the Land, which would not suffer the King to meet his People at the usual Time and Place: So that during the War, the King by Proclamation gave notice of what Time and in what Place he could best meet his Liege-People in Parliament; the present Exigency of Affairs admitting then of no other Expedient. But why the sole Power of Calling Parliaments should, from such a Necessity, pass into Royal Prerogative, is not very clear; but may give a Caution to future Ages, as to what Expedient they shall think fit to use for their Preservation, even in their greatest Necessity: Since what is once impos'd upon them by the necessity of Affairs, is apt to pass into Precedent and Prerogative, after the Necessity (which first gave it Birth) shall cease to subsist.

King's Ne-
gative Voice
how to be
us'd.

Howbeit, as Matters stand at present with a Session of Parliament once in a Year, and a new Election once in three Years, the Publick Business of the Kingdom may be carried on very well; especially if the King's Negative Voice be so discreetly us'd, as only to give occasion to both Houses more maturely to consider the Necessity of what they have offer'd; as has always happen'd during his Majesty's happy Reign, in which whatsoever Bills might at first have been refus'd, were yet afterwards receiv'd at the second offering.

By the Coronation Oath, the King seems to abjure this Negative Voice. The Words of that Oath, as they are recited by the Arch-bishop when he swears the King in order to his Coronation, are these; *Item tu jurabis quod confirmabis Leges istas quas vulgus elegerit.* Now the Laws which the People have already chosen, stand in need of no Confirmation by a future King; and therefore it should seem that he swears (in the Clause) that he will grant those Laws which the People shall chuse for the Time to come. And truly 'twould be a hard Case, if after the Wisdom of the Nation has exercis'd it self in making necessary Provisions for the Publick Weal, all this Care should be rendred ineffectual by the Caprice of Humour, or Ignorance of some prevailing Ministers of State. Add to this, that according to an Antient Custom, when the Estates of the Realm were met together to consult about Publick Affairs, the Publick Business was not to be stop't, altho the King were not present.

But to proceed.

The native
Courage of
the English.

V. The Native Courage of the *English* being added to their Trustiness and good Nature, gives them a just Claim to the use of Arms for the defence of their King and themselves under him: especially in these perilous Times, when Assassination and Invasion, Fraud and Violence, Surprise and Conquest, are growing into Fashion; nay, when no less than *Europe* is thought sufficient to be the Empire of an absolute Monarch.

Hen. VIII.
Statute a-
bout bear-
ing of Arms.

According to the Antient Law of *England* the whole Nation is oblig'd to bear Arms, excepting only the Honourable Judges of the Land; and the Reverend Clergy. For proof whereof I will only cite one Statute-Law made in the Thirty third Year of King *Henry* the Eighth, cap. 9. because this Law is the Center of all former Laws made on the same occasion, and is at present unrepeal'd. In this Law 'tis Enacted, "That every Man being the King's Subject, not Lame, Decrepit or Maim'd, nor having any other lawful or reasonable Cause or Impediment, being within the Age of threescore Years (except Spiritual Men, Justices of one Bench and of the other, Justices of the Assize, and Barons of the Exchequer) shall from the Feast of Pentecost next ensuing, use and exercise shooting in long Bows, and also have a Bow and Arrows ready continually in his House to use himself; and do use himself in shooting. And also that the Fathers, Governors and Rulers of such as be of tender Age, do teach and train them up in the knowledge of the same Shooting. And that every Man having a Man-child or Man-child-
"drea

“dren in his House, shall provide, ordain, and have in his House for every Man-child being of the Age of Seven Years and above, until he shall come to the Age of Seventeen Years, a Bow and two Shafts, to induce and learn them, and bring them up in Shooting; and shall deliver all the same Bows and Arrows to the same young Men, to use and occupy: And if the same young Men be Servants, that then their Masters shall abate the Money, that they shall pay for the same Bows and Arrows out of their Wages. And after all such young Men shall come to the Age of Seventeen Years, every of them shall provide and have a Bow and Four Arrows continually for himself at his proper Cost and Charges, or else of the Gift and Provision of his Friends, and use and occupy the same in Shooting, as is before rehearsed. And if a Master suffer any of his Servants taking Wages, being in his House-hold, and under the Age of Seventeen Years, or the Father suffer any of his Sons being in his House-hold, and under the Age of Seventeen Years, to lack a Bow and two Arrows, contrary to the Form of this Statute, by the space of one Month together, then the Master or Father in whom such Negligence shall be, shall for every such Default, forfeit and lose six Shillings and eight Pence.”

Note. That by this Clause of the Statute, altho the Judges and Clergy are excepted from keeping and using Bows and Arrows, after they are made Judges and ordain'd Clergy-men, yet the Law commanded that these Judges and Clergy should be bred up in the use of Arms. For even both these Orders of Men were oblig'd to use Bows and Arrows at their Fathers Cost, from Seven to Seventeen Years: So that a Ten Years exercise of Arms was enjoy'd to these Orders of Men. And after the Age of Seventeen Years, both sorts were oblig'd to use Arms till they became Clergy or Judges. Now since no Man can be made a Deacon before he is Twenty three Years old, it must follow that every Clergy-man must have had no less than Sixteen Years exercise in Arms, and every Judg must have had at least Twenty six Years exercise in Arms; few Men being ever made Judges till at least Thirty three Years of Age.

But to return to the Statute, wherein 'tis also Enacted, “That Buts be made in every City, Town, and Place, according to the Law of antient Time used. And that the Inhabitants, and Dwellers in every of them, be compell'd to make and continue such Buts, upon pain to forfeit for every three Months so lacking, twenty Shillings. And that the Inhabitants shall exercise themselves with long Bows on Holy-days, and other Times convenient.

After this Care is taken that Bows shall be made, not only of Ewe but of Ash ^{Bows and} and Witchhazel, to the intent that Children should have such Bows as they could ^{Arrows.} draw with ease, and such as should not cost above twelve Pence apiece. And altho throughout the Body of this Act, several Penalties are declar'd against such who had not Bows in a readiness for themselves, or Children or Servants, yet this Law was not taken for a Penal Act; but the Contents thereof were by the Law-makers esteem'd as an antient Privilege or just Right confirm'd to the People of England; for as much as all Aliens and Foreigners were restrain'd from the liberty of shooting in the Long-Bow, as appears by this Clause: “And that no manner of Person not being born within the King's Obedience, or made Denison, use without the King's Obedience shooting with Long-Bows, without the King's Licence, upon pain of forfeiture of such Bows, Arrows, and Shafts, as they shall be founden so shooting with. And every of the King's Subjects may have Authority to take and seize the same Forfeitures for his own use”, without obtaining a Warrant from a Justice of the Peace, or so much as calling a Constable to see the Peace kept between the English-man and the Foreigner.

This Clause favours of old Philosophy, for *Aristotle* told his Pupil *Alexander* the Great, that the *Greeks* were Free-born, but that all other People were Slaves by Nature. And our Fore-fathers (it seems) thought the English ought to be intrusted with the Means of their own Preservation in their own Hands, exclusive of all Foreigners, who could not pretend to any Preservation here but what our Laws afford 'em. It cannot be suppos'd that any Foreigner should pretend to use the English inhabiting their own Country, at the same rate as our Law used Foreigners sojourning among us. And from thence I may with certainty conclude, that his most Gracious Majesty, who is our rightful King, will not deny the Right of Self-preservation to us, who have by a publick Association own'd his great Merit and sole Right to the Crown of England, renouncing the late King *James*, and all his doubtful Issue; nor can it be thought that the Lords and Commons in Parliament

assembled, should so far distrust their Sons, their Tenants and Servants, as not to suffer them to handle Arms, in order to fit themselves for the Nation's Defence in case of any sudden Invasion. The Reason upon which the fore-cited Statute was made, continues the same now as it was then; which Reason you may read in a Statute made in the same 33^d Year of *Hen. VIII. Cap. 6.* in these words: "The laudable Exercise of the Long-Bow has always heretofore been the Surety, Safe-guard, and continual Defence of the Realm of *England*, and an inestimable Dread and Terror to the Enemies of the same. For which reason it was Enacted, that no other Game should be used besides this of Shooting; as appears by this Act, wherein all other Sports are forbid as unlawful; and particularly Bowling, that most innocent Recreation, is forbidden, because the Law would allow no recreating Exercise but Shooting.

'Tis true, the Law forbid Cross-bows that the Game might be preserv'd; but they ventur'd their Game to the Long-bow, as they may now to the Bullet and Musket with equal Security. Shot indeed are more dangerous to the Game now, than the *Norman* Cross-bow was heretofore. But then the making and using of Shot, may be brought under as strict Regulations as the Cross-bow once was.

The People of England the Guard of the King and Realm.

But still it seems hard, that by reason of an accidental Change happening in the English Artillery of late Years, the People of *England*, who are the Guard both of the King and Realm, should not be allow'd the Equity of a former Law, which arm'd the whole Nation in its own defence. May not the People be trusted to guard the King, their Landlords, and themselves? Can any accidental Change of Artillery be pleaded in bar to the necessary Defence of the Nation? Madmen indeed ought not to be trusted with Weapons. But the care we took of our selves in preserving our Rights against the Incroachments of our late King; by joining with his present Majesty, both for our own and his Preservation, may challenge that an old Right of handling Arms be trusted to us, whereby we may support both King and Kingdom against all Invaders. When the fore-cited Statute of the 33^d of *Hen. VIII. Cap. 9.* was made, 'twas not design'd to be a temporary Law, as appears by the Title of it, which is, *Artillery shall be maintain'd, and unlawful Games debarr'd.* And tho in the 8th of Queen *Elizabeth's* Reign, an Act was made which citeth the foregoing Act of *Hen. VIII.* the Design of the late Act was only to relieve the Bowyers and Fletchers of *London*, as to the Prices set upon their Bows and Arrows, but does not repeal the former Act, nor discourage the Use of Weapons in the Hands of the People.

Mercenary Soldiers destroy Liberty.

'Tis, as I think, agreed among Moral Philosophers, That all Moral Virtues arise from frequent Use and Practice; and Histories likewise agree, that Military Virtue arises in the same manner with Moral, and that those Nations have been found most expert in War, whose People have been most us'd to exercise of Arms. Whereas in those Nations where the Sword has been taken out of the Peoples Hand, and given into the Hand of mere Mercenaries depending on the King alone, that People have thereby become mean and dastardly in their Spirit. It must be agreed, that something of a natural Foundation of Courage must be laid, in order to render a People Magnanimous and Great in War. But then Experience has shewn that the English, when accusom'd to the use of Arms, were not inferior to any People whatsoever; for proof whereof I will transcribe Sir *Walter Raleigh's* Argument hereupon, from the First Part of the Fifth Book of his *History of the World.*

Sir Walter Raleigh's Opinion in the Case.

' It is well known (*saieth he*) that *Rome* (or perhaps all the World beside) had never so brave a Commander in War as *Julius Cesar*, and that no Roman Army was comparable to that which serv'd under the same *Cesar* : Likewise it is apparent that this gallant Army, which had given fair proof of the Roman Courage in good performance of the *Helvetian* War, when it first entered into *Gaul*, was nevertheless utterly disheartned, when *Cesar* led it against the *Germans* : So that we may justly impute all that was extraordinary in the Valour of *Cesar's* Men to their long Exercise under so good a Leader in so great a War.

' Now let us in general compare with the Deeds done by the best of these *Roman* Soldiers, in their principal Service, the Things perform'd in the same Country by our common *English* Soldier, levied in haste from following the Cart, or sitting on the Shop-stall; so shall we see the difference. Herein will we deal fairly; and believe *Cesar* in relating the Acts of the *Romans*, but will call the *French* Historians to witness what Actions were perform'd by the *English*.

The Claims of the People of England.

11

' In *Cesar's* Time *France* was inhabited by the *Gauls*, a stout People but inferior to the *French*, by whom they were subdu'd even when the *Romans* gave them Assistance. The Country of *Gaul* was rent in sunder (as *Cesar* witnesseth) into many Lordships; some of which were govern'd by petty Kings, others by the Multitude: None order'd in such sort as might make it applicable to the nearest Neighbour; the Factions were many and violent, not only in general through the whole Country, but between the petty States; yea, in every City, and almost in every House. What greater Advantage could a Conqueror desire? Yet there was a greater. *Arivovistus* with his *Germans* had over-ran the Country, and held much part of it in subjection, little different from mere Slavery: Yea, so often had the *Germans* prevail'd in War upon the *Gauls*, that the *Gauls* (who had sometimes been the better Soldiers) did hold themselves no ways equal to those daily Invaders. Had *France* been so prepar'd to our *English* Kings, *Rome* it self at this Time, and long e'er this Time, would have been ours. But when King *Edward* the Third began his War upon *France*, he found the whole Country settled in Obedience to one mighty King; a King whose Reputation abroad was no less than his Puissance at home: Under whose Ensign the King of *Bohemia* did serve in Person, at whose Call the *Genoese* and other Neighbour-States were ready to take Arms: a King unto whom one Prince gave away his Dominion for Love (*viz.* the *Dolphin* of *Viennois*) and another sold away a goodly City and Territory for Money (*viz.* King of *Majorca*.)

France inhabited by the Gauls.

' The Country lying so open to the *Romans*, and being so well fenc'd against the *English*, it is Note-worthy, not who prevail'd most therein (for it were mere Vanity to match the *English* Purchases with the *Roman* Conquests) but whether of the two gave the greater Proof of Military Virtue therein. *Cesar* himself doth witness, That the *Gauls* complain'd of their own Ignorance in the Art of War, and that their own Hardiness was over-match'd by the Skill of their Enemies. Poor Men! they admir'd the *Roman* Towers and Engines of Battery rais'd and planted against their Walls, as more than humane Works. What greater Wonder is it that such a People was beaten by the *Romans*, than that the *Caribees*, a naked People, but valiant as any under the Sky, are commonly put to the worst by small Numbers of *Spaniards*? Besides all this, we are to have regard to the great Difficulty that was found in drawing all the *Gauls*, or any great part of them together to any one Head, that with joint Forces they might oppose their Assailants:—As also the much greater Difficulty of holding them long together. For hereby it came to pass, that they were never able to make use of Opportunity; but sometimes compell'd to stay for their Fellows, and sometimes driven to give or take Battel upon extreme Disadvantages, for fear lest their Companies should fall asunder: As indeed upon any little Disaster they were ready to break, and to return every one to the Defence of his own. All this, and (which was little less than all this) great odds in Weapon, gave to the *Romans* the Honour of many gallant Victories. What such Help, or what other worldly Help than the golden Metal of their Soldiers, had our *English* Kings against the *French*? Were not the *French* as well experienc'd in Feats of War? Yea, did not they think themselves therein our Superiors? Were they not in Arms, in Horse, in all Provision, exceedingly beyond us? Let us hear what a *French* Writer (*John de Serres*) saith of the Inequality that was between the *French* and *English*, when their King *John* was ready to give the Onset upon the Black Prince at the Battel of *Poitiers*: *John* had all Advantages over *Edward*, both of Number, Force, Shew, Country and Conceit (the which is commonly a Consideration of no small Importance in worldly Affairs) and withal the Choice of all his Horsemen (esteem'd then the best in Europe) with the greatest and wisest Captains in his whole Realm. And what could he wish more?

' I think it would trouble a *Roman* Antiquary to find the like Example in their Histories, the Example, I say, of a King brought Prisoner to *Rome* by an Army of Eight thousand, which he had surrounded by Forty thousand better appointed, and no less expert Warriors. This I am sure of, that neither *Syphax* the *Numidian*, follow'd by a Rabble of half Scullions, as *Livy* rightly terms them, nor those cowardly Kings, *Perseus* and *Gentius*, are worthy Patterns. All that have read of *Cressly* and *Agincourt*, will bear me witness that I do not alledge the Battel of *Poitiers*, for lack of others, as good Examples of *English* Virtue: the Proof whereof hath left many a hundred better Marks in all Quarters of *France*, than ever did the Valour of the *Romans*.

A King with an Army of 40000 made Prisoner by an Army of 8000.

The Claims of the People of England.

The Battel of Naseby gain'd by new rais'd Men. Would you know what our raw *English* Soldiers can do? The great decisive Battel of *Naseby*, in the late Civil War, will inform you: The number of Forces was equal on both Sides, nor was there any Advantage in the Ground, or any extraordinary Accident which happen'd during the Fight, which could be of considerable Importance to either Side. In the Army of the Parliament, only Nine of the Officers had serv'd abroad, and most of the Souldiers were Apprentices drawn out of *London* but two Months before. In the King's Army there were above a thousand Officers who had serv'd in Foreign Parts; yet were they broken and routed by these new-rais'd Apprentices, who were observ'd to be obedient to Command, and brave in Fight, not only in that Action, but on all Occasions during that active Campaign.

English Courage at Namur. But where was greater Military Virtue shewn, than by our new-rais'd Army lately in *Flanders*? I do not conceive that greater firmness of Mind can be shewn in War, than that which appear'd in the *English* at their Attack upon *Namur*, when they receiv'd all the Shot of the Enemy during their regular March up to the Palisade, before they discharg'd upon the Enemy. This firmness of Mind in the *English* was so astonishing to the *French*, that it brake their Courage so, as they never made any considerable Defence of that Fort afterwards. It may also be observ'd, that the *French*, tho abounding in numbers of experienced Officers, yet durst not ever engage us without some very visible Advantage.

Now when the whole People of *England* do upon all Accounts so well deserve to be exercis'd in Arms, and when by Law they of Right ought to be so exercis'd, shall a mere accidental Change of Artillery bereave the Nation of this Benefit, which for ever would preserve them in case of any Foreign Invasion? Is there such known Justice in all the Neighbouring Princes, whereupon we may rely in the neglect of all Preparation for Self-defence? May not the Method of Bows and Arrows be accommodated to Guns and Ball? This new Artillery is somewhat more chargeable; but are not the greatest part of the People able to bear the Charge themselves? And may not the poorer sort be furnish'd at the Charge of the Parish, Hundred, or County? But the Game will suffer if the People are arm'd; yet Bullet will do no more harm than Arrows: Shot may be prohibited or limited as to its Make and Sale: Strict Penalties may be laid upon those who break in upon the Game. But the Security of the Nation ought first to be provided for, the Security of Game can only challenge a second Place.

Perhaps it may be apprehended by some Men, that in case the People shall be arm'd, the Government will be unsteady, and the Magistrate unsafe by reason of popular Tumults: But this Fear will vanish, when it shall plainly appear that an armed People will be the greatest Security both of the State and the Church, against Insurrections and popular Tumults.

Tumults how to be prevented. It must indeed be allow'd, that if they who are most apt to raise Tumults shall be armed, and they whose Interest it is to suppress such Tumults shall be unarm'd, the Objection would be very strong against arming the People. But according to the Scheme laid down it will so fall out, that they who are apt to raise Tumults will be unarmed, and they whose Interest it is to suppress 'em will be train'd up in Arms. The common Cause of popular Tumults is extreme Want and Poverty, which arises sometimes from Scarcity of Food, and sometimes from Scarcity of Work; whereby it comes to pass, that altho there be no Famine in the Land, yet they who depend upon their daily Labour for their daily Bread, are (for want of Employment) laid under the heavy necessity of wanting Provisions to support Nature. In either of these Cases, Tumults must be expected; but then, who shall raise these Tumults? Only such poor wretched People as will be unarm'd. For suppose all those who pay to Church and Poor, in their respective Parishes, were arm'd (and it cannot be suppos'd that any Persons of inferior Degree to those are capable of the Charge of Arms) very few, if any Men of this sort, will be found in a popular Tumult, occasion'd through extreme Want. But this sort of Men will find it their Interest to suppress the Insurrection; as may appear by what happen'd about three or four Years since in the City of *Worcester*, where the Mob arose and seiz'd some Corn which (in a dear Time) was bought in the Market of that City, and brought to *Severn* to be carried away in Barges to some other Places upon that River. You may be sure that no Shop-keepers, Clothiers, or responsible Inhabitants of that City were found in the Riot. But on the contrary, 'twas the Interest of every Citizen who was able to feed himself and Family, to discour-

rage the Mob, that the Farmer might be encourag'd to bring his Corn to the Market. And suppose that a Tumult shou'd rise in any City or Market-Town in the Kingdom upon the same occasion, wou'd not the trading Part, and all the sufficient Inhabitants of the Town find themselves oblig'd to protect the Market, to the end they may be supply'd with necessary Provisions for themselves and Families? And being arm'd too, wou'd they not be sufficient to disperse a naked Rabble? But supposing such a Tumult shou'd happen in the Country upon the same occasion, wou'd not every Man who held any Plough-Land or Pasture, be engag'd to defend the Fields and the Barns, or Stacks of Hay or Corn against the Invaders?

To sum up this Matter then, let it be suppos'd that Artillery were maintain'd upon this foot, viz. That in all Cities, Towns Corporate and Market Towns, every Shopkeeper, Trader, Artificer, and every Person, who by his Employment, Dealing, or any other way, is able to maintain himself and Family, shall be oblig'd to find Arms; and in all Country-places, every Husbandman using and employing Plough-Land or Pasture, whereby he is enabled to maintain a Family, shall find Arms: Were not this Method the most effectual way to discourage popular Tumults? And if they were oblig'd to find Arms for their Children and Servants, would not the Son side with his Father, and the Servant with his Master? But if the Servant shou'd be otherwise inclin'd, his Arms may be reserv'd in his Master's keeping. And how shall the Rabble of either Town or Country unarm'd, be able to stand against the arm'd Force of those who are their Superiors in Quality, Number and Strength?

Permit me, good Sir, a little further to consider the Case of popular Tumults, Riots and Insurrections, because I have not found any Argument for arming the People of equal force to this Objection. There are other Causes of popular Tumults besides scarcity of Work or Provision: As for instance, Enthusiasm, Misfortune in War, Oppression, and Male-administration.

By Enthusiasm was Venner and some few more Anabaptists inspir'd with the Spirit of Tumult in the Reign of King Charles the Second: For he having read in one of the old Prophets, That one Thousand shall fly at the rebuke of One, Isa. 30. 17. he thought himself to be the Person meant in the Text (tho I dare say, that Isaiah never dreamt of Tom. Venner) and therefore 'twas that he, with some few Accomplices, posted themselves in Friday-street near Cheapside, and began a War upon the Kingdom. It must be own'd, that he and his Partizans were arm'd and were resolute in their Attempt: And I make no doubt but that a Regiment of such Men might have made a Conquest upon London, where the Citizens are unexercis'd in Arms, had not the King a sufficient number of Guards to suppress them. But on the other side, supposing the Citizens to be experienc'd in the use of Arms, all the Enthusiastick Madmen which that City can be suppos'd to produce, will never equal the number of those who will remain in their Wits. But if the whole City shou'd become Lunatick, 'tis well that the Country shou'd be arm'd to take it into their Protection.

But Enthusiasm is seldom an epidemical Disease, tho it sometimes falls out that one Madman may infect a Rabble with his whimsical Fancies; as happen'd about three or four years since in Northamptonshire, where a poor Clergyman had the Misfortune to fall into a strong Phrensy, and then strongly fancied that our Saviour Jesus Christ was just then come down from Heaven to Jerusalem, in order to begin his thousand years Reign upon Earth. And this News he tells all about the Neighbourhood, with full assurance, as to him it seem'd, of its Truth. And as it falls out that an ungrounded Fear does often spread it self wide among those who are not capable to examine well into the bottom of Matters, so may an unreasonable Confidence diffuse it self in like manner, and become panick. And so it fell out that this poor distracted Clergyman gain'd a numerous Rabble to his Party, with an intention to lead them to Jerusalem: But his Death (as I remember) prevented his March, and gave the People opportunity to consider better, and return to their Homes. But suppose the Mob shou'd have been infected with a panick Phrensy, and had began their March towards Jerusalem, Provision had been necessary for so long a March. Now what they cou'd carry along with them from home wou'd in a few days be spent: And then if the Country, thro which they were travelling, were unarm'd, what shou'd hinder this wild Rabble from seizing the Stores of the Country to supply their Wants? And what if it shou'd have come into their Heads to demolish the Churches, and destroy the old Priesthood of the Letter, in their way to the new spiritual Jerusalem; I am apt to think that Prayers

Artillery how to be maintain'd

Venner's Spirit of Tumult how attain'd.

Enthusiasm no Epidemical Disease.

The Enthusiastick Clergyman in Northamptonshire.

and Tears wou'd not have prevail'd over these wild People, so powerfully as Powder and Ball. Whereby it may appear, that the Security of the Church, as well as that of the State, depends upon Arms in the Hands of the People, since none but the Rabble are capable of being spirited away from their Wits by Enthusiasts or Impostors.

Misfortune, the occasion of Tumults.

Misfortune in War has sometime given an occasion of popular Tumult; as when the *Dutch* came up to *Chatham* in King *Charles* the Second's Reign, what a strange panick Fear possess'd the *Londoners*? What railing and ranting was there against the negligence of the Government? Every one suppos'd that the Town wou'd on the morrow be plunder'd by the *Dutch*, and therefore bethought themselves how to get out of the way: The Wilest hid their Treasure in small Vaults, cunningly contriv'd for that purpose. The *Dutch* indeed soon withdrew, contenting themselves with carrying away the *Royal Charles*, a First-Rate Ship of War, in Triumph with them; and so the Fear was over. But yet what was it which caus'd so general a Mutiny in the City, but only a Distrust in their own Artillery? For if only the Militia of *London* had been sufficiently exercis'd in Arms, they alone might have been depended on for the Security of the City. But if all the Citizens of sufficient Ability, both Masters and Servants, Fathers and Sons, had been train'd up in Arms, they wou'd have soon been between Home and Harms-way, and scarce a Woman or Child in the Town wou'd have been frighten'd with the News of the *Dutch*.

You will say, What! Will the handling of Arms expel Cowardice, and give Men a sufficient Courage for their own Defence? Yes, most certainly, both for Defence and Offence too. How else came the old *Romans* by their invincible Courage? For there was no very high Pulse of noble Blood which beat in the Veins of those poor Shepherds and Outlaws who made up the original People of *Rome*. But yet after the elder Men were set apart by *Romulus* for Counsel, and the younger Men enjoin'd to handle Arms, it came to pass that the Sun never saw a more able Militia or better Armies gather'd out of it.

The Artillery Ground the Campus Martius.

No Place about *Rome* is more generally remembred than their Artillery Ground, known by the name of *Campus Martius*, or *Mars Field*, in which the younger Sort (*viz.* under 46 Years) came to exercise Chivalry; as Horse-Race, Foot-Race, Wrestling, Fencing, casting the Bowl, the Sledg, the Dart, using the Sling, the Bow, belides Vaulting and such like Exercises: Upon which account this Field was intitled to *Mars* their God of War, and was therefore stil'd by *Strabo*, The *Romans* great School of Defence.

But who so reads *Vegetius Polybius*, and his Commentator *Lipsius de Militia Romana*, will find that this their Artillery Ground, or Field of *Mars*, was not large enough for all their usual Military Exercises: The first of which *Vegetius* calls *Ambulatio* or the *March*, of which he saith, *Nihil magis in itinere vel in acie custodiendum est quam ut omnes milites incedendi ordinem servant; quod aliter non potest, nisi ut assiduo exercitio ambulare celeriter & equaliter discant: i. e.* Nothing is more useful in War than that an Army shou'd learn to take a speedy March in Rank and File. In order to which he tells you, that 'twas an usual Exercise for the young *Romans* to march with all their Arms about them for the space of ten Miles, both forwards and backwards, with great Speed: For proof whereof *Lipsius*, in his first Book of the *Roman Militia*, produces several Witnesses.

The Roman Military Exercises.

The second military Exercise of the *Romans*, *Vegetius* calls *Decursio*, or the *Run*, and gives the Reason of it in these Words: *Ad cursum præcipue adsuefaciendi sunt milites ut majori impetu in hostem procurrant, ut loca opportuna celeriter occupent, ut ad explorandum alacriter pergant, ut fugientium terga facilius comprehendant: i. e.* That with the greater Force they may make their Onset upon the Enemy, that they may be nimble enough to gain a Pass or an advantageous Post before the Enemy possesseth it; that their Scouts may perform their Duty with greater Agility and Quickness; and last of all, that they may sooner overtake the Enemy in his Flight. The third Exercise *Vegetius* calls *Paluria* from *Palus*, a Stake of six Foot high above Ground, carv'd in the Shape of a human Body, with which the young Soldier was us'd to make a Sham-Fight in the presence of his Campi-Doctor, or Military Tutor; and in this Exercise, saith our Author, *Servabatur illa cautela ut cum tyro ad inferendum vulnus assurgeret, ne qua ex parte isse pateret ad plagam: i. e.* Care was to be taken that whilst the young Soldier rose up to wound the Enemy, he shou'd so guard himself, that he might not lie open to receive any Wound himself.

How frequently these Military Exercifes were perform'd, our Author declares in thefe words: *Juniores & novi milites mane & post meridiem ad omne genus exercebantur armorum, Veteres autem & eruditi femel in die exercebantur*: i. e. The younger Sort were exercis'd twice a day, but the old Soldiers once a day only. Not that this Exercife lafted all the Year long, but as our Godwyn faith in his Antiquities, It was a Custom among the Romans fometimes in the Year to have a general Mufter of the younger Sort, who, meeting in the Cirque, exercis'd their Running, Racing, Riding at Tilt, and other fuch like Feats of Activity, whereby they might be train'd up for their better Service in the War. They chofe a Captain one or other of noble Birth, who was call'd Princeps Juventutis. They divided themfelves into diftinct Companies, fometimes marching forward one againft the other, fometimes retiring backwards, fometimes skirmifhing, fometimes imbat-teling themfelves in one Form, fometimes in another, as if it were a true Field pitch'd. Godwyn's Roman Antiquities, Lib. 2. §. 3. cap. 12.

And thus at their fet times every Year all the Romans of fufficient Ability were oblig'd to make their Campagns from the Age of Seventeen Years to the Age of Forty fix Years, as *Lipſius* ſets forth. And for the Encouragement of theſe Military Exercifes, *Polybius* writes, That no Man was allow'd as capable to bear Office in the Civil Magiftracy of Rome, who had not made ten Campagns: His Words are theſe, Πολιτικὴν ἡλαβέν ἀρχὴν ἐκ ἑξέſιν ὅδενι πρότερον ἔαν μὴ δεκά στρατεύας ἐν ναυ-σίῃς ἢ τετελεώς.

The Roman
Exercifes
praftis'd
frequently.

But I fear I have digress'd too far upon this Head of the Roman Discipline in the Exercife of Arms; whereas all that I intended to ſay, was, That their conſtant Cuſtom of handling Arms laid the Foundation of that invincible Courage and Conſtancy of Mind, which at laſt render'd the Romans Maſters of the World.

I find alſo that a great Scholar and Soldier, namely *Joſephus*, was of this Opinion, viz. That the Empire of the World was not the Gift of Fortune to the Romans, but the acquiſt of their own military Virtue, which they gain'd by their conſtant Exercife in Arms. His Words, according to *Juſtus Lipſius's* Tranſlation in his fifth Book de *Militia Romana*, and Dialogue the 14th, are theſe: *Quod ſi quis alium Romanorum ordinem in militia inſpexerit, videbit hoc grande Imperium eos habere virtutis meritum, non fortunæ beneficium; non enim initium illis armorum ipſum bellum eſt, nec ſolum cum uſus aut neceſſitas eſt manus movent, in pace feriati, ſed tanquam congeniti armis nunquam pauſam Exercitii faciunt.* From hence 'tis very plain that *Joſephus* aſcrib'd all the military Virtue of the Romans to nothing elſe beſides their frequent Exercife in Arms.

The Roman
Military
Virtue.

But begging pardon for this long Digreſſion concerning the Roman Militia, I return to the ſubject Matter from whence I digreſs'd: Which was to ſhew, that in caſe of popular Tumults, it was the greateſt Safety to the State and Church, that all the People of Ability and Sufficiency ſhou'd be train'd up in Arms. But I have purſu'd this Argument only with relation to Tumults ariſing from extreme Want, Enthuſiaſm, and Miſfortune in War, leaving the Caſes of Oppreſſion and Male-adminiſtration as yet unconfider'd. Nor do theſe Caſes ſtand in need of any long conſideration: For if it be granted that an arm'd People will ſupport a juſt and legal Adminiſtration both in State and Church, 'tis no great harm if the People, by the help of their Arms, ſhou'd happen to defend themſelves againſt Tyranny and Oppreſſion. Nor can I ſee any reaſon why they ſhou'd take part with Tyrants and Oppreſſors.

But ſuppoſing the old ſtanding Law of Artillery ſhou'd in this manner be accommodated to Powder and Ball, one thing cannot but be foreſeen, which is, That the Quakers will not obey the Law in bearing Arms, but will expect to be defended by the Arms of others: wherefore 'tis reaſon that they compensate with their Purſe the want of their active aſſiſtance in Arms. And therefore ſince Buts to ſhoot at with Bullet be of abſolute neceſſity, and ſince 'twill be very convenient to allow ſome ſmall Stipends to old Soldiers for their Pains in exerciſing the young, a ſmall Tax may be rais'd from the Quakers, to procure either one or both of theſe Conveniences.

The Caſe of
Quakers
conſider'd.

'Tis pity indeed that any Man's Religion ſhou'd render him uſeleſs to ſuch a Country as ours; in which our National Religion, being added to the Engliſh Fidelity and good Nature,

VI. Claims to incorporate all the Proteſtants in the World into our National Interest; our Situation alſo and Naval Strength aſſiſting hereunto. Q. Elizabeth made her ſelf Umpire of all Europe's Differences, chiefly by patronizing the Proteſtant

To bring all
Proteſtants
into the
Engliſh In-
terest.

Q. Eliz.
the 'Empire
of Europe.

Interest wheresoever it was oppress'd. And in this respect her Reign was rais'd to a higher Point of Glory than any of her Royal Predecessors. For as the Pope has always so many Subjects as there are Papists in any Protestant Dominions; so, on the contrary, the Queen had the Hearts of all Protestants living in Popish Territories. 'Twas this Policy, together with the Love which *England* bore toward that Queen, which made the Pope (who then was) distrust his spiritual Thunderbolts, and head secret Assassinations against her. It must be acknowledg'd that the *Scottish* Line, which succeeded that Queen, look'd upon this Conduct in her to be pragmatical; but 'tis as true that none of this Line, as yet, has been look'd upon as holding the Ballance of *Europe*. And to this Article it may be added, That our Protestant Profession (which excludes the Pope from any Competition in our Allegiance) being added to our good Nature, gives us a just Claim to the whole Heart of our Sovereign Lord the King; and by how much the less we flatter him, so much the more he may rely upon our Fidelity.

The French
Conspiracy
to destroy
all Prote-
stants.

Nor was there ever such an extraordinary Accident fell out, which cou'd lay so great a Foundation of mutual Trust between King and People, as what has lately happen'd. For whereas *Lewis* the *French* King had conspir'd with *James* the Second, then King of *England*, to root out the true Christian Profession by destroying all its Professors; the (then) Prince of *Orange* (who had particularly been insulted by *Lewis* the *French* King) having no other way to escape the further Insolence of that Tyrant, united himself to the *English* Interest, whereby at once he both gave and took Succour; which ought to be mutually acknowledg'd, and own'd on both sides, as mutual Assistance in common Danger lays the firmest Foundation of mutual Friendship.

VII. From this Circumstance, in conjunction with those afore-mention'd, the *English* People may claim to bear the greatest Sway in *Europe*; especially when no other Nation enjoys such a Concurrence of happy Circumstances leading hereunto. And I make no doubt but if their Particulars were set in a proper Light by your Pen, the People, being appriz'd hereof, wou'd at one time or other assert their Claims. But (alas) they have been bred up in so mean an Opinion of themselves, that they think it goes well with them if they may eat Bread from day to day, wear out their old Clothes, and sleep in their own Beds without an Army to keep the Peace among them; as taking it for their greatest Enjoyment that they are not reduc'd to the Condition of *French* Vassals.

But how easy wou'd it be for the People (if once awaken'd) to gain possession of all the Rights to which they make so just a Claim, being assisted by the *Freeholders*, in whose Power it is to chuse such a Representative of the People in Parliament, as may do them Right in this Case?

To which end the *Freeholders* (to whom this weak Imagination of an Essay, when improv'd, ought to be address'd) may be advertis'd as to what sort of Men may be fittest for this purpose.

The Quali-
fications of
Persons to
be chosen.

I. A Sincerity in what a Man professeth is the first and best Qualification for a Member of Parliament. If a Man has always profess'd a Love for his Country, and shewn the reality thereof, by assisting and constantly encouraging his Fellow-Subjects to oppose Tyranny from Abroad, and Usurpation at Home, and has always shewn himself steady herein; this Man is surely, above all others, to be intrusted by the People to represent them in Parliament: So on the other hand, suppose a Man to be an open *Jacobite* in his Profession, tho I cannot think that any Body of People in *England* shou'd chuse such a one to be a Member of Parliament; yet if such a one cou'd be chosen into the Honourable House of Commons, he wou'd not be able to do so much harm as a cunning State-hypocrite, who, professing a Love to publick Liberty, shou'd carry on an insatiable Revenge against some few ill-deserving Persons, to the discouragement of those who are innocent, and never declin'd from their former Profession of publick Virtue.

A Moderation
a Mark of
Sincerity.

I cannot but look upon *Moderation* to be a Mark of Sincerity. For if I who have done ill Things heretofore, whereof I am now made sensible, shall yet be very severe in prosecuting those who of late have been guilty of the same Faults with what mine were heretofore; an indifferent Stander-by will be apt to question the reality of my sudden Change, especially when I have never retracted my old Iniquities, nor so much as in Publick condemn'd that Fault in my self, which I am so severely punishing in others. I do not think that any Man, who by Court-allurements has been charm'd from his publick Virtue, can be rely'd upon after he has forsaken his for-

former Profession. Nor is a new Convert presently to be entrusted, tho he ought to be esteem'd so long as he keeps to his new Profession.

Let us remove the Scene to *France*, and suppose that the late Converts to the Roman Catholick Faith shou'd push on very boldly to obtain the Honours and publick Trusts, which are in the Disposal of the *French King*: Wou'd not he and all the Roman Catholicks in *France* suspect the Sincerity of the new Converts, and likewise that there was some secret Design cover'd over with the pretence of a new Conversion? For 'tis certain that a Hypocrite in Religion is capable of doing more Mischief to the Religion he professeth, than a declar'd Atheist can do: Because the open Profession of the one makes him avoided, and perhaps abhor'd, whilst the Cloke of Religion gives to the other an Opportunity of sly and dangerous Transactions. And, as Matters now stand in *England*, what Injury can all the open Non-swearing *Jacobites* do to us, when the Body of the People avoid and abhor them? But yet a State-hypocrite being admitted into the great Council of the Nation, may find a way to walk undiscover'd in dangerous By-paths, and cannot want specious Pretences to cover his Treachery. I remember one *Andrew Sall* a Jesuit, born in *Ireland*, but bred up in *Salamanca*, where he held the Chair of Divinity for several Years. This Man after seven Years Conference with a learned Prelate, was at last wrought upon to renounce the Popish Superstition, and embrace the Christian Faith, as it is profess'd in the Church of *England*: And to shew the reality of his Conversion, he wou'd accept of no more Preferment in our Church, than whereby to supply his mere want of Food and Raiment, lest it shou'd ever be said that he was any way bias'd by worldly Interest to change his Religion. But if this new Convert had put on a Face of Zeal against Popery, and decry'd the Bishops and Dignitaries of the Church of *England* for complying with *Rome*, in admitting unwarranted and suspicious Ceremonies, and some Set-Forms of Devotion, not unlike those which are to be seen in the old *Roman Missal*, and shou'd hereupon have infer'd that they ought to be turn'd out of their Places, to the and that such new Converts as himself might come into their honourable and profitable Preferments; the Sincerity of this new Convert wou'd have been much doubted of, and he wou'd have been generally thought no better than an old Jesuit still. But had he done this when the Papists had been lately plotting against the Government, and when the *French King*, who is the known Hero of that Church, had been preparing to fight her Battels: What *English* Protestant cou'd have forborn to suspect this new Convert of a Design to embroil us at Home when we stood in the greatest need of mutual Confidence, in order to our necessary Defence against our known Enemy? A steady Conduct in any good thing demands Applause, but a sudden and loud Zeal, when there is no visible and imminent Danger which provokes it, challenges Suspicion as its due. And therefore,

2. All religious Bigots of any Party may be pass'd by; Honest Men being more likely to make good these *Claims* than either High Churchmen or rigid Dissenters. For as much as the publick Weal does not depend either upon Ceremonies, or no Ceremonies.

3. All Royal Flatterers, Court-Pensioners, or Expectants of Court-Favour, may be omitted. For tho a King of *England* can have no Interest separate from that of his People, yet 'tis manifest that a Court may pursue a particular Interest of its own, which shall be separate from that of both King and People; as was very visible during the four *Scottish* Reigns, wherein Queen *Elizabeth's* Maxims of heading the Protestants and holding the Ballance of *Europe* were laid aside; whilst the Court-Pensioners made it their Business to possess their Royal Masters with a Notion of some high Prerogatives vested in the Crown by God himself, without the Consent of the People. And indeed, by sinking the antient Rights of the People into this Abyss of *Prerogative*, these Court-Parasites made their way to Royal Favour so far, as to engross all the publick Trusts of the Realm into their own Hands. By this means they form'd themselves into a sort of Body Politick, which was as far extended as there were profitable Trusts in the Nation. All the Members hereof spoke the same Things, and acted in the same manner, and to the same Ends and Purposes; being always unanimous in dispensing their Favours, and shewing their Resentments. And when any one Member of this Body was promoted to some eminent Station in the Realm (which thing cou'd seldom fail) this powerful Man became the Head of the whole Body, which was spirited with one private Interest equally dear to all the Members, who were join'd in one and the same Design of

A Supposition from what the new Converts wou'd do in France.

The Danger of a State-Hypocrite.

The Case of Andr. Sall an Irish Jesuit.

Religious Bigots of any Party not to be regarded.

Q. Elizabeth's Maxim of heading the Protestants neglected by the four Kings her Successors.

flattering their Royal Master with his Prerogative, and serving themselves with his Interest, Power and Purse.

By this Court-Interest Kings have been beset in their own Palaces, and prevented from either seeing or hearing of their own nearest Concerns. Nor is this Body infirm or subject to decay, since no Man can expect so effectual a Recommendation to any Honor or profitable Trust, as these Men can give him. And you may be sure that they will bestow a Character upon none, but those who are qualify'd for such a Favor.

Court-Faction of the same Opinion.

'Tis no wonder then if all the Men of this Court-Faction are of the same Opinion, and vote the same way (as the *Franciscans* and *Dominicans* hold constantly to the Opinions of their own respective Orders). But this Union is never so strong as under the Primacy of some eminent Favorite, whom they call a great Statesman; tho commonly nothing be more contrary to his narrow Chittish Genius than the Character of a great Statesman. For such a one hath a strong Affection to the general Good of his own Country, and to the Benefit of Mankind: Whereas a cunning Statesman (such as is their Idol) has only the Craft to render himself seemingly necessary to a Prince, by forming and managing a Party: Which is no better an Art, than by packing the Cards or cogging the Dice.

Nor did this sort of Men formerly so much as pretend to consider the Interest of the People, but only to do the King's Business as they call'd it, which in every part of it under their Management, was apparently different from the Interest of the People. Yet if any Man adventur'd to blame their Conduct, they cry'd out with one Mouth, That the King was wounded thro their Sides; and all who dislike'd their Proceedings, were call'd Enemies to the Government.

Preachers of Jure Divino and Passive Obedience obtain'd Powers and Preferments by the Last Ks.

But let the *Scottish* Line speak what Services this Court-party has ever done for them, notwithstanding they gain'd the High Church to their Assistance, by giving the Honors and Preferments thereof to the Preachers of *Jure Divino* and Passive Obedience. For things fell out so odly, that the same Doctrine which was design'd to destroy the antient Rights of a free People, had in it a strange force in recoiling back upon those Princes who first promoted its Power. For,

Passive Obedience being apply'd in a black Plaster to the Body of King *James* the First (witness the Great Duke of *Buckingham* who was privy thereto) dethron'd that Divine Monarch. *Quantus Artifex perit!* The same Passive Obedience, in the shape of an Ax, fell upon the Neck of King *Charles* the First, and separated that Head from the Body-natural, which it had before divided from the Body-politick. King *Charles* II. met with it in his Dish; and *James* II. is at this day the living Monument of Passive Obedience in the natural Soil where it has its rankest Growth. Had our former Parliaments been unclog'd from the Court-Party which invented this desperate Machine of Passive Obedience, these Kings might have reign'd over a loving People with Grey Hairs (which *Solomon* calls Crowns of Glory) on their Heads. Their Lives would have been prolong'd, and their Memories immortal.

But if most of our Kings from the time of *William* the First, have had just Reason to complain against this sort of Court-Vermin, as the parallel Histories of their Favorites, Minions and Flatterers inform us; and if the Parliament, who is the only Check upon this pernicious Party, shall be fill'd with the same, 'tis not then imaginable how any Prince should continue a happy Reign over us.

Court-Factions Hinderers of a Prince's good Intentions.

For let a Sovereign Prince be as sensible of his Peoples Good as their own Hearts can wish, let him be as upright as an Angel in his good Disposition towards them, yet this Party will hinder the People from receiving any Benefit by these his Princely Dispositions towards them: But they will certainly give a contrary Turn to all his gracious Inclinations. Witness King *Charles* the Second, who a little before his Restoration emitted a Declaration from *Breda*; in which he specify'd not only the greatest Grievances of *England*, but also the proper Means of their Redress, promising moreover his Royal Assistance therein. No Man could doubt but that it was his true Interest to make good his Royal Word: Nor can I see any Reason to question the Reality of his Intentions, since for two Years together after his Return, his Practice was agreeable to his Declaration. The Case was thus.

K. Ch. II's Promises before his Restoration how observed afterwards.

The Nation for some Years during the Reign of King *Charles* the First, had been put into a Ferment about some External of Religion. This Fermentation arose by means of the *Laudean Faction*, who severely persecuted all Protestants who would not submit to their Forms and Ceremonies. This Religious Quarrel at last broke out into a Barbarous, Bloody, Civil, Ceremonial War, in which they who had been oppress'd, did at last free themselves from their Oppressors. But after all, this

unsteady

unsteddy Party was willing to restore King *Charles* the Second to the Throne from whence they had cast his Father down: Not doubting but that the Son would encourage *Moderation* in Matters of both Church and State, being warn'd by his Father's unhappy Downfal, so lately brought to pass by his rigid Adherence to a *High Church* and a *Prerogative Court-Party*. Nor did the King at his Return shew himself unwilling to answer their Expectations, for he took into his Favor several eminent Men of the Party formerly oppress'd; but notwithstanding all this, the *Laudean* The Previous
lency of the
Laudean
Party in
Engl. still, Faction and Court-Party joining together, in the space of two Years after his Return, had Power not only to influence the King but Parliament too, against all Thoughts of Moderation. And that very *Laudean Faction*, whose violent Proceedings hasten'd on the unhappy Fate of *Charles* the First, renew'd their Bitterness against their Protestant Brethren in the beginning of his Son's return; and had the Confidence to call themselves the *Church of England*, in Exclusion to all other Protestants in the Realm.

Add hereunto, That this Party having gain'd an easy-natur'd Prince to their Side, they form'd an open Conspiracy against the Joint Interest of both King and People, which appear'd to every sensible Man in England.

I. From their voting up a Standing Army at *Black-heath*, to be a Terror to the King's Subjects in time of Peace: But at the same time they would contribute no Assistance to obviate the growing Greatness of *France*: Their Con-
spiracy a-
gainst the
Interest of
K. and P.
in several
Instances:

II. By exhausting the Wealth of the Subject in time of Peace by unreasonable Taxes, for no other end but to increase the King's Luxury and their own Pensions.

III. By supporting the (then) Duke of *York* in his Apostacy from the Christian Religion, in opposition to the Protestant Interest in general, and in Diminution to the Imperial Crown of this Realm. So that all the Expence of Blood and Treasure we have patiently endur'd since his present Majesty's Accession to the Throne, and all the Jeopardy and Hazard we lay under during the Reign of the late King *James* of unhappy Memory, is justly chargeable upon the Court-Party of King *Charles* the Second. Whatever Names or Appellations this Party take to themselves, they have always carry'd about them the same Inclinations. Sometimes they call themselves Church-men and sometimes Kings-men, and by their Friends they are stil'd the Government. But the Court-nature is like that of the *Medes and Persians*, which alters not; and their History and Actions discover them better than any Denomination: And since the Genius of this Party has always led them into an Interest separate from that of the People, 'tis manifest that neither King or People are safe when they are permitted to influence National Counsels in Parliament.

I said, That this Court-party in some late Reigns was usually stil'd the Government; and those who dislik'd their ill Management, were call'd *Enemies to the Government*. Now this Court-Stile, were it innocent, might have been endur'd. But the Consequence of admitting this Stile is highly pernicious to *Old England*; because the Government of *England* is a Government of Laws, as the *French* Government is a Government of Men. We are all subject to the known settl'd Laws of the Land, whilst the *French* are subjected to the uncertain Will of the Rulers. So that this Court-Stile is only an Art of *Hocus Pocus* to convey the Idea of *English* Government out of our Minds, and to slide the Idea of *French* Government into the room of it.

It is own'd, That all Governments are made by Man, and ought to be made by those Men who are Owners of the Territory over which the Government extends. It must likewise be confess'd, That the Freeholders of *Eng-land* are Owners of the *English* Territory, and therefore have a natural Right to erect what Government they please. And 'tis evident that our Fore-fathers thought fit to send their Representatives up to Parliament, and empower them to make Laws for the Behoof of the People; and likewise to be their Grand Inquest, to the end that they might redress such Grievances as Inferior Courts are not sufficiently powerful to correct: Such as are the Enormities committed by the great Men of the Realm, or great Favorites of the King, who have sometimes been able to oversway inferior Courts. And as it would have been a great Oversight in the Constitution of the House of Commons to have admitted the Lords to sit and vote among them, by whom those noble Peers may be impeach'd of Treason or high Misdemeanors; so is it as much disagreeable to the same Constitution to admit *Court-place-holders* into the Honorable House: since 'tis contrary both to common Right and common Sense to admit the Criminal for a Judge in his own Cause. I have heard a

The Free-
holders are
Owners of
the English
Territory.

The Claims of the People of England.

Learned Lawyer say, That if a Judge in the Bench of *Common-Pleas* shall sit in Judgment on the *King's Bench*, he does thereby forfeit his Patent to his Office in the *Common-Pleas*. And the Reason is, because the Misdemeanors committed by the Justices of the *Common-Pleas*, fall under the Correction of the *King's Bench*. And for the same Reason a Member of the Honourable House of Commons may justly be requir'd to forfeit his Place in that House, when he is admitted into a Place at Court. For no Man can serve two Masters, when their Interests are so different as that of Court and Country have always been.

But yet I remember in the Reign of King *Charles* the Second, that many well-meaning Free-holders voted into Parliament such Men as were distinguish'd by some Mark of Court-favour; alledging, in their behalf, that it was fit that the King should have his Friends sit in the House of Commons: Not considering that every Member is the *King's Friend* so long as he discharges his Duty to the People, and no longer. For if the Peoples Wealth and Strength be increased, the King is made proportionably greater and stronger. But if a *separate Interest* between King and People may be allow'd, who can blame a King that shall find out a cunning Statesman, and place him in the prime Ministry? the Consequence whereof will be, that all the Officers in Publick Trust will be of the same *Stamp* with this *Favourite Minister* who prefers them. For the Court has gain'd the Reverse of the Philosophers Stone, and can transmute Gold into Brass, and Silver into Lead. Or, to draw a Comparison from Religion, as when the Grace of God shall shine upon the Heart of a stubborn Sinner, it will enlighten his Mind, enliven his Affections, and give him the Cast of true Religion: So on the contrary, when Court-favour shall break forth upon some *zealous Patriot*, who for some Years past has maintain'd an unrelenting Integrity, it melts him down as Wax before the Sun, and runs him into a *Court-mall*. So then if honest Men, who pursue the Interest of their Country, fill the House, there cannot be a Man among them who is not the *King's Friend*. But if Courtiers fill up that Assembly, the People are Friendless, and the King cannot fail to lose the Affections of his People, by a *Court-Administration* in that House.

But on the other hand, if none were elected Members of Parliament who hold any Place or Office (excepting such as shall be conferred by the Estates of the Realm) the Effect of it will be this, *viz.* the Parliament will represent, not the Court but People of England, and consequently will pursue no other Interest than theirs; whereby all the foremention'd Claims will be made good. Then must his Majesty be the greatest King, when his People are the greatest People in Europe: Then shall Honour and Honesty, Peace and good Neighbourhood return, and introduce the *Millennium* by the Restauration of *Old England*.

POSTSCRIPT.

HAVING written this Letter in the beginning of this Session of Parliament, I laid it by me when the Bill of Succession was brought into Parliament, and waited to see if any thing of *England's Claims* would be usher'd in by that Bill. I cannot express to you the Joy I was transported with when I understood with what an Unanimous Concurrence both Houses of Parliament laid their Claim to as great Advantages as *England* has ever enjoy'd. As,

I. That the next Protestant Successor to her Royal Highness (shou'd she demize the Crown without Issue of her own Body) shall be oblig'd to embrace the Communion of the Church of *England*, and so shall all following Kings and Queens.

II. That the Lords of the Privy Council shall sign the Advice which they shall think fit to give.

III. That no Person enjoying either Place or Pension from the Court, shall be capable of sitting in the Honourable House of Commons.

IV. That no Pardon may be pleaded to hinder the Judgment of the most Honourable House of Peers (upon Matters of Impeachment) from its due Execution.

V. That no Foreigner shall be capable to sit in either House of Parliament, or to receive any Grants from the Crown.

VI. That

The Claims of the People of England.

VI. That the reigning Sovereign shall not go out of the Nations subject to his Jurisdiction into any Foreign Country, without the Consent of Parliament.

VII. If either the King or Queen of *England* shall have a Jurisdiction over any Foreign Country, the Subjects of *England* shall not be engag'd in any War in defence of that Foreign Territory, without the Consent of Parliament.

VIII. That the Salaries of the Judges shall be constantly paid; and that they shall not be remov'd at the King's Pleasure, but only for sufficient Misdemeanor, or by the Address of both Houses of Parliament.

IX. A Confirmation of all our former Laws.

And now since it has pleas'd the King's most Excellent Majesty most graciously to pass all these *Claims* into a Law, I cannot doubt but that every Claim of the People of *England* (if any such remain) will be allow'd by Royal Authority as soon as desir'd. So that I had no occasion to have sent this Letter to you now, but only because it sums up the Heads of that Discourse which formerly pass'd between you and me: And likewise because I am willing to take this Opportunity to congratulate with you, that the subject Matter of our Discourse has in great measure been so fortunate as to find the Favour of a Publick Establishment.

For what can more directly tend to curb the exorbitant Power of *France* than the 4th Limitation in the late Succession-Act, wherein it is enacted, "That all Matters and Things relating to the well-governing of this Kingdom, being properly cognizable in the Privy Council by the Laws and Customs of this Realm, shall be transacted there; and all Resolutions taken thereupon, shall be sign'd by such of the Privy-Council as shall Advise and Consent unto the same? This Clause leaves no room for *French* Applications; and amounts to as much as if there were a standing Committee of Parliament to manage all the great Affairs of the Kingdom; since what is sign'd by the Privy-Council is cognizable in Parliament.

By this sort of management our King, acting by the Advice of his Council, can never be laid under blame, nor so much as be in a capacity of disobliging his Subjects, who will therefore unanimously adhere to him; there being not the least Colour for any Parties or Divisions in *England* now remaining: and if there be any discontented Commonwealths Man in the Land, he is by this Statute actually condemn'd, as above said, to the Baboons. There is no room now left for Mutiny and Discontent, nor any Encouragement for *French* Practices upon *English* Patriots. For hereby it will come to pass, that the *French* King may from hence-forward have an opportunity of keeping his Money from travelling Abroad. All that will be necessary for him to do, is only now and then to send a Ship-lading of *Burgundy* or *Bordeaux*-Claret, to be presented among our Ministers and moving Men, to keep 'em in good Humour, that they should not pick Quarrels with *France*. And a Present of this nature may be honestly receiv'd, according to an old Rule in Law, viz. *Esculenta & Potulenta non sunt Bribeamenta*. And then it may chance, Sir, that you and I may drink a Glass to the good Repose of Monsieur *Lewis*, who at present allows no Repose to his own Subjects, or the rest of Mankind.

I am, with all Sincerity,

Your most obliged, and most humble Servant, &c.

*The Duke of Anjou's Succession consider'd,
as to its Legality and Consequences :*

Printed in
1701.

With Reflections on the *French King's* Memorial to the *Dutch*,
and on what may be the Interest of the several Princes and
States of Christendom, with respect to the present Conjun-
cture.

To which is added at large, because refer'd to in the Book,

The Clause of *Lewis XIV's* Contract of Marriage, renouncing the *Spanish*
Succession.

His Ratification of the same.

His Queen the *Infanta's* Renunciation.

The Article of the Treaty of the *Pyrenees*; and

The Clause of *Philip IV's* Will, confirming the said Renunciation.

THE PREFACE.

WHAT follows being the sudden Thoughts of one that wishes well to the Interest of Europe in general, and of Great Britain in particular, he hopes they will be taken as kindly as he meant them honestly. We have reason to bless the Almighty for the Happiness of our Constitution, that our own Princes (if any of them should ever be so wicked as to attempt it) have no Right (without our own Consent) to dispose of our Purse, and much less of our Allegiance and Persons, by Wills and Codicils, as every ordinary Man doth of his Goods and Chattels. It remains then, since we are free from such Dangers at home, that those concern'd should bethink themselves of proper Measures to prevent any such Attempts upon us from abroad. We don't know how far a late Precedent of that nature may be drawn into Example. We ought to consider, that besides Foreign Pretenders, there are others alledg'd to be come from English Loins, that claim a Right to our Succession. It's hard to say what may be brought upon us of this nature by a Match said to be in proposal betwixt a certain Princess, and a third Grandson; which perhaps may give rise to another, betwixt a titular Prince and some near-Kinswoman. It concerns us, since our establish'd Line of Succession can scarcely make up a Plurality, to take care that no Foreigner have an Opportunity of offering to settle it for us, as they have done for others. In order to this, it's possible to do either too much or too little; both which Extremes the Wisdom of the Nation knows best how to avoid. But so far may be safely advanc'd, that to enter into Foreign Alliances, especially with such Protestants as can assist us with a Naval Force, and to take all proper Methods for preserving a good Correspondence with our Neighbours at home, would seem to be one of the best Methods to deprive those of the Power that we have reason to think have the most Inclination to give us trouble on that Head.

The

The Duke of Anjou's Succession consider'd, &c.

THE Duke of *Anjou's* Succession to the Crown of *Spain*, and the Consequences that may attend it, is a Subject of such Importance and universal Concern, that it deservedly exercises the Tongues and Thoughts of all Men of Sense.

As to the Succession it self, it's generally known,

1. That this Prince is advanc'd to the Throne of *Spain*, contrary to the Laws of *Injustice* that Kingdom; which do not allow the Alienation of the Crown, nor that it should *of the D;* fall under the Dominion of a Stranger, the Succession being settled by the Consent *of Anjou's* of the States of the Kingdom on the House of *Arragon* or *Austria*. *Succession.*

2. That it is contrary to the Renunciation made by *Lewis XIII.* and the Infanta *Mary Ann* his Wife, at the time of their Marriage; the Legality of which was not then controverted.

3. That it is against the Renunciation made by *Lewis XIV.* the present *French* King, and his Wife the Infanta *Mary Therese*, at the time of their Marriage.

4. That it is against the Treaty of the *Pyrenees*, of which that Renunciation was the chief Ground-work.

5. That it is contrary to the Will of *Philip IV.* pursuant to that Renunciation.

6. That it is contrary to the Treaty of Partition, agreed on betwixt *France*, *England*, and *Holland*.

7. That it is expressly contrary to all the Arguments formerly made use of by *Lewis XIV.* against the Renunciations by his Father and Mother, and by himself and his Wife, and is directly chargeable with the same Injustice against the *Dauphin* and the Duke of *Burgundy*, that he formerly charg'd upon the above-mention'd Renunciations; and is by Consequence condemn'd in that very Memorial, which pretends to justify the Duke of *Anjou's* Succession, since it expressly asserts the *Dauphin's* Right to the Crown, and the Nullity of his Mother's Renunciation.

These things being uncontrovertably true; it remains that the Duke of *Anjou* *Has no Title but the* can have no other Title to the Crown of *Spain*, but what he claims by the Will of *Ch. II.* his late Catholick Majesty *Charles II.* For tho' the unanimous Desire of the Subjects of *Spain* be also alledg'd, it is only brought in as a secondary Plea, upon which the Memorial lays no great stress; besides, we hear nothing of any previous Invitation by the *Cortes* or States of *Spain*: so that this Argument has no solid bottom. If there be any future Agreement of the States to the Duke of *Anjou's* Title, it will certainly be look'd upon by the World as the Effect of Force, and not of Choice, which lays his Title open to dangerous Objections.

To return to the late King of *Spain's* Will, which is the Duke of *Anjou's* best Tenure; we find there is this to be said against it.

1. That it is contrary to a former Will, and that also the Will of the Father to *Which cannot be good.* the last Testator, which is no great Argument of Piety in those that put him upon making it. We shall say nothing as to his own Part in it, since Decency commands us to tread softly on the Grave of a deceased Prince, and Compassion forbids us to disturb the Ashes of a Monarch after his Death, who enjoy'd so little of the Comforts of Life.

2. This Will can in no ways be esteem'd so valid as that of *Philip IV.* because the latter was made pursuant to the Treaty of the *Pyrenees*, and the solemn Renunciation of two successive Kings and Queens of *France*, ratified by all the Legislative Power of *France* and *Spain*: whereas the Will of King *Charles II.* is contrary to all these.

3. The Will of *Philip IV.* was agreeable to the Civil Law, and the Decretal of Pope *Boniface VIII.* which says, *That every Renunciation made upon Oath by a Daughter above twelve Years of Age, in favour of her Father, in order to Contract of Marriage, by which a sufficient Dowry is assign'd her, ought to be good in Law, tho' she be then under the Jurisdiction of her Father.* All which Conditions met in the Queen of *France's* Renunciation. Whereas the late King of *Spain's* Will is contrary to this Decretal, which certainly all *Roman Catholicks* ought to have a special regard to.

4. The

4. The Will of *Charles II.* of *Spain* is objected against by the Emperor, as made when that Prince was in no Condition to dictate, much less to write a Will so well digested, and so subtly fram'd, and introduc'd by such a politick Preface, as this Will appears to be. This Objection has so much the more Strength, that it is founded upon the known weakness both of Body and Mind, which that poor Prince had labour'd under for so long a time, and does no way look like the Composure of one struggling with the Violence of such a Distemper as he died of.

5. 'Tis objected against this Will, that 'twas the Contrivance of a *French* Faction, and forc'd upon that unhappy Prince, almost in *Articulo Mortis*, by the Cardinal *de Portocarrero*, on pain of being deny'd Absolution; the most frightful thing in the World to a bigotted Papist, such as that Prince was known to be. This Objection is so much the more forcible, that the late King of *Spain* was oblig'd by all the Ties of Laws, Treaties, Nature and Inclination, to prefer a Prince of the House of *Austria* to all others for his Successor; and it's sufficiently known, that but a very little before the making of this Will, he had made another in favour of the Archduke.

6. It's objected against this Will, that the *Spaniards* were brib'd and hec'tor'd into a compliance with it by the Menaces of the *French*, &c. and the marching of their Troops before that Prince's Death, to take possession of the Dominions of *Spain*, that the *French* King claim'd by virtue of the Treaty of Partition, which it wou'd seem by the Memorial presented to the *Dutch*, the *French* entred into for no other End.

Union of
Spain to
France not
presented
by the Will.

7. It's objected against this Will, that it seems no way likely to prevent the uniting of the Crown of *Spain* to that of *France*, tho' that be one of the chief pretend'd Ends of it. This will appear by the Will it self, which leaves the Duke of *Anjou* at liberty to accept the Crown of *France*, in case the Duke of *Burgundy* die without Issue Male, provided he calls the Duke of *Berry* to succeed him as King of *Spain*. That this is a very dangerous and impracticable Proviso, will readily appear, if we consider the Ambition that's inseparable from most Crown'd Heads, and particularly from the Family of *Bourbon*, and the Genius of *France*. It's well enough known, that the Design of that Crown for the Universal Monarchy is not of yesterday; and that in order to it, the uniting of the Crown of *Spain* to that of *France*, has been one of the things which the Court of *France* hath most passionately desir'd, and industriously attempted. The Case being so, it's scarcely supposable, that a Prince of such a high Spirit, as the Duke of *Anjou* appears to be, will readily quit his Pretensions to the Crown of *Spain*, of which he has the possession, even tho' the Crown of *France* shou'd likewise devolve upon him.

It's in vain to object the Example of *Henry III.* who left the Crown of *Poland* to take upon him that of *France*, after the death of his Brother *Charles IX.* The Case is no way parallel; the Crown of *Poland* is infinitely short of that of *Spain*: Nor had *Henry III.* any Title to it by Birth, or Opportunity of keeping it, by reason of its distance from *France*, and the Constitution of the Government; whereas the Duke of *Anjou*, in the Case above-mention'd, will claim the Crown of *Spain* as his Birthright, will have an Opportunity of putting his Friends into the Administration, and by that means of acquiring a strong Faction in *Spain* to support it; and besides this, he will have the Power of *France* to maintain it. This cannot be rejected as a vain Speculation, by those who consider, that the two Kingdoms lie contiguous, and that the King of *Spain* may have his *French* Troops in readiness when he pleases, to force such *Spaniards* into a compliance as be refractory to it.

But because this Hypothesis may be objected against as too remote, since 'tis probable the Duke of *Burgundy* may have Heirs enough for the Crown of *France*: We shall now come to those things that seem nearer in view. And,

1. It must be granted, that the Duke of *Anjou* is a Prince of *France*, and by consequence that Nature obliges him to love his Native Country.

2. It must be allow'd, that he owes his Accession to the Crown of *Spain* altogether to his Grandfather, the present *French* King.

3. It cannot be deny'd, that he is under a necessity to govern himself chiefly by his Grandfather's Advice, and must depend upon his Protection for the continuance of his new Dignity.

From all which it naturally results, that the Government of *Spain* under the Duke of *Anjou*, must be so administred, as to fall in with the Designs of *Lewis XIV.* otherwise it is in his power to devert the Duke of *Anjou* of his Sovereignty when he pleases, and to possess his Father the *Dauphin* of what is asserted in the Memorial to be his Birthright.

It

It is in vain to object, that the *Spaniards* will not allow their new King to take those measures; for 'tis evident they have no power to hinder it. His Grandfather can assist him, at pleasure, with such a Land and Naval Force as they are in no condition to resist, tho' their whole Power were united against him; much less will it be possible for them to do it, when their own King acts in concert with him. This is demonstrable, if we consider, 1. That the Duke of *Anjou* will always have a considerable Faction, because of the necessary dependance that many of the *Grandeess*, &c. must have upon his Person and Court. The power of conferring Honours and beneficial Posts in the Church, State, Army and Fleet, hath irresistible Charms attending it. The Governments of *Peru*, *Mexico*, *Sicily*, *Naples*, *Milan*, and that of the *Spanish Netherlands*, and the great Posts in the Church, Armies, &c. of those Kingdoms and Provinces, besides what his Majesty has to dispose of in the several Kingdoms that go under the general Denomination of *Spain*, confer'd upon needy and ambitious *Grandeess*, or others, by the private Intercession of *France*, and the free Gift of the Duke of *Anjou*, will certainly oblige them to prosecute his Interest, tho' ever so opposite to that of their Country. This Age affords but few Instances of Men that are proof against such Temptations. What Kingdoms are there in *Europe*, where Princes that have been minded to advance their Prerogative, have not found Persons of the highest Ranks capable of being brib'd by Honours, Places and Pensions, to sacrifice their Religion and Liberty to the Ambition of their Monarchs? And why shou'd we think that Virtue predominates in *Spain* more than in other Nations? 2. If we consider that the King of *France* hath for many years been the declar'd Champion of Popery, against that which is call'd the *Northern Heresy*: If we consider, that his Eye to the *Spanish* Succession was one of the principal Reasons for that cruel, and otherwise impolitick, Persecution of his Protestant Subjects, because he knew it wou'd recommend him and his Family to the bigotted *Spaniards*; and if we likewise consider with what Impudence the arrogant Court of Inquisition declar'd against their late King's joining in Confederacy against *France*, with those they are pleas'd to call Hereticks: We may soon be convinc'd, that his Interest in those waspish Ecclesiasticks is, and may be such, as will bring the rest of *Spain* to a speedy compliance. He has no more to do but to possess them with an Opinion, that he will imploy the united Power of *Spain* and *France* for the Propagation of the Catholick Faith, and the Extirpation of Hereticks; and then he may assure himself of all the Assistance that Priestcraft can make him. Had it not been for these and such like Considerations, there's not the least reason to doubt but the *Spaniards*, who are known to be politick enough, wou'd rather have call'd the Archduke to the Throne, than have endanger'd their Liberty by the Power of *France*; but as matters are at present, they had no other way left them than to hug their Chains, and make their unavoidable Slavery as easy to them as possible: It being dangerous to provoke those, whose Power they must of necessity submit to.

Spaniards are not capable to prevent it, Demonstrated.

That *Spain* will every day become more and more liable to the Power of *France*, and in danger of being subjected by that Crown, is further evident from this: That the *Spaniards* must unavoidably be indebted to the *French* King in great Sums; for besides what he has formerly alledg'd to be wanting of the *Infanta's* Portion, he offers to reimburse the *Dutch* several Millions that are owing to them by the *Spaniards*, on condition that they evacuate the *Spanish* Garisons in the *Netherlands*, where their Troops keep possession at present. He likewise promises them the assistance of his Fleet, to drive the *Moors* from before *Ceuta*; and in case of a War with the Emperor, which seems unavoidable soon or late, there's no question but all the Expence he is at in opposing the Emperor on that head, must be charg'd to the account of *Spain*: and as it's probable, the Emperor will endeavour to ingage Allies in the Quarrel with him, that have a Naval Force capable of giving the *French* a Diversion, and of securing the *West-Indies* to the House of *Austria*, that will still contract a further Debt upon *Spain* for the assistance of the *French* Naval Force, for which the *French* King will no doubt expect or take very good Security of Frontier Towns, Sea Ports, whole Provinces, or otherwise. Nay, supposing there shou'd not yet be any actual War for some years upon this account, the very Expences of his Marches and Countermarches, and of his Naval Preparations to set and maintain his Grandson upon the Throne of *Spain*, will lay such a burden of Debt upon that Crown, as will always afford a good Pretence for the present, or any future King of *France*, to endeavour the seizing of it. And who knows what private Articles of this nature there may be betwixt him and his Grandson, and

Expences of France on account of Spain will subject it to France.

his Trustees the *Frenchify'd Spaniards*? For now-a-days it seems, it's the Custom of all Treaties to have such Articles. If this shou'd be the Case, the Duke of *Anjou* has made no bad Exchange; if he be but really Viceroy of *Spain*, and the Dominions thereunto belonging, under his Grandfather or Father, it's infinitely better than any Appanage he cou'd pretend to, as a Son of *France*.

Folly of sup-
posing the
D. of An-
jou's be-
coming a
Spaniard.

This it's suppos'd may be enough to convince those Gentlemen of their Mistake, who say, that when the Duke of *Anjou* is once settled in *Spain*, he will be as much a *Spaniard* as if he had been born there. Ovid's *Nescio qua natale solum*, hath something in it unanswerable. There are speaking Instances to be given of Princes that have prefer'd the Interest of their native Country, or Countrymen at least, to that of a new acquir'd Crown. We commonly blame our own King *James I.* for something of this; and those who have wrote his Life, give several Instances to prove it, tho his Countrymen say, our Historians have done him no great Justice in that matter.

France will
be a Gainer
by the Set-
tlement.

But admitting, that no Attempt shall be made to subject the Crown of *Spain* to that of *France*; it's certain the *French* Court will gain so much by the Duke of *Anjou's* Succession, as to have the *Spaniards* for their good Friends and Allies, and perhaps to join with them in future Wars; and there's no doubt but the *Spaniards* will think themselves happy to come off so easily. Their young King must not in decency be deny'd the Conversation of his *French* Acquaintance all at once; the Visits of the *French* Nobility to the Court of *Madrid*, are very like to become *a-la-mode*; the Residence of *French* Ministers there must not be controverted, and the Advancement of some of that Nation to Posts of Honour and Profit will be justify'd by the practice of other Kingdoms in parallel Cases: all which will be improv'd for keeping this Prince tight to the Interests of *France*; and if those Methods shou'd kindle any vexatious Jealousies in the Minds of the Dons, there's one infallible way still left, of finding Pensioners to do it of their own Number. There's a thousand ways to flatter the *Spaniards* into a belief of the Advantages that must needs redound to them from such an Alliance. A few well-contriv'd Rhodomontades, and zealous Chimeras, will go a great way with a People so far gone in Pride and Bigotry. The *French* Court know this to be their weak side, and have begun to manage their Attacks accordingly: What else is meant by those lofty Encomiums that echo from *Versails*, of the Gallantry and Wisdom of the *Spanish* Nation, and of the Largeness of their Empire, &c? Their Grantees are carels'd; and if large Sums, and larger Promises, will do the work, to be sure they shall not be wanting. They are now told, that *France* and *Spain* shall henceforward be one Nation; the former Outrages committed upon them are excus'd, as the Results of the Conjunctions of Times, but nothing such is to be fear'd for the future. We may easily conceive that a respite from Wars within their own Bowels, must be very acceptable to that languishing Monarchy. It's no small Advantage, that they have now a Prospect of a lasting Peace from their nearest and most formidable Enemy. If to this, Proposals be made them of joining with *France*, in promoting Trade, and particularly to recover their Woolen Manufactory, and betwixt them to engross that Trade to the *Straits* and to *Turkey* (which the *French* have attempted by themselves, with far less probability of Success) we may be sure 'twill be taking.

Spaniards
will join
with France
to recover
their Pos-
sessions,

And to ex-
terminate the
Northern
Herey.

If it shall be further propos'd, to endeavour the Reconquest of some part of their old Dominions in *Europe*, as the seven Provinces, and *Portugal*, or of their new ones in *America*, it must certainly be very tempting. If to this it shou'd be added, that they shall have the Assistance of the *French* for the effecting both, and at the same time for rooting out Heresy, and replanting the Catholick Faith, their Priests will tell them, they are Rebels to Heaven if they neglect the Opportunity. Then what is it that all *Europe*, and the Protestants in particular, have not to fear from this formidable Conjunction of the Sword of *France*, and the Purse of *Spain*? We may assure our selves, that the See of *Rome*, and the Princes of *Italy* will be glad to give Wings to a design of that nature: It's more their Interest now, than it was in 1588, when they zealously contributed to divert the Power of *Spain* from looking towards themselves, and sent them to ruin the Northern Heresy with their invincible Armado. *France* is now more formidable alone, than *Spain* was at that time, and much more when she can intirely depend upon a Catholick King, of her own Lineage and making. The young politick Pope cannot be ignorant, that sometime or other he may be in danger of having Gens d' Arms sent him from a Prince of the Family of *Bourbon*, instead of the Hackney that he claims as his due

for

for the Kingdom of *Naples*; and therefore will certainly think it his Interest, to consecrate him a whole Army of Horse in return, provided he'll make use of them in a Northern Expedition. The Cardinal Zealots, who chose *Albani*, because they knew him to be willing, and qualify'd for maintaining the Dignity of the Papal Chair, will be ready to comply with him in every thing that may recover the lost Territories of the Church. No doubt but they have an Occasion in their Eye, which they esteem very proper for giving a vent to their Zeal. There's a certain Prince in the World, whom they call a Confessor, because he sacrific'd three Crowns to his Zeal for the Pontifical Tiara; we have it printed in the *Antwerp Gazette*, publish'd by the Authority of this young Catholick King, *That he hop'd in a little time to congratulate the Nominal Prince of Wales upon a good Success equal to his own*, and told him, he might depend upon his Friendship and Assistance. It will be none of the fault of the *Spanish* Inquisitors, if he be mistaken in his hopes, or fall short of his Promise. If the Cause of Religion be not sufficient Ground of Quarrel, it's but setting up a Chamber at *Madrid*, like that at *Metz*, and they will soon find Causes of another nature. Prescription of Time is not allow'd to be a sufficient Plea by the Modern *French* State-Casuits; and therefore were there none later, the old Expeditions of Sir *Francis Drake* and Sir *Walter Raleigh*, and the Assistance given by Queen *Elizabeth* to the *Hollanders*, to erect themselves into a Free-State, when they revolted from under the Dominion of *Spain*, and our espousing the Title of King *James* of *Scotland*, in opposition to that of their Infanta, will be cause enough; nay rather than fail, our taking *Jamaica* from them in *Oliver's* time, our own Settlements in the *West-Indies*, to which they pretend the Right of Discovery, may be insisted upon. It's in vain to alledg particular Treaties, or the general Treaty at *Reswick*, in defence of our selves. The Treaty of Partition is of a later date than any of those; and the same Distinction betwixt the Design and the Terms that serves to palliate the Breach of that, will excuse the Violation of all the rest: and besides, if that will not do, we know the Determination of the Council of *Constance*, That Faith is not to be kept with Hereticks.

The next thing to be consider'd is, the *French King's* Memorial.

By what has been already said, it will appear to be of more Advantage to *France*, to have all the Dominions of *Spain* govern'd by her Counsels, united to her Crown; or subjected to her as an Homager or Vice-royalty, than to have had the Share allotted her by the Partition: which makes the Truth of that Allegation very suspicious, *That the French King, by accepting the late King of Spain's Will, hath prefer'd the publick Peace to his own Advantage.*

The Reflection upon the Treaty of Partition (p. 2.) as productive of infinite Troubles and Misfortunes common to all Europe, sounds but oddly from the Mouth of those that were the first Proposers of it, and laid down Arguments to prove the great Advantages that must of necessity redound from it, in order to persuade all Europe to engage in it. If the Proposers of this Objection foresaw those infinite Troubles, and common Misfortunes to Europe, before they entred into the Treaty, it was the highest Injustice for them to engage in it. It's own'd by the Memorial, p. 11. *That the high Dignity of Kings does not excuse them from considering, whether the Wars they undertake be just.* And let the Monarch be ever so great, that enters into a War that he knows to be unjust, he who is higher than the highest of Kings, has pronounc'd them accurs'd, that shed innocent Blood: But if the Justice of that Treaty was never disputed till the Crown of *Spain* came to be offer'd to a Grandson of *France*, it would seem that the saying of a great Prince and Legislator too, *That a Gift blinds the Eyes of the wise*, is too applicable in this case.

The nice Distinction betwixt the Design, and the Terms of the Treaty, smells more of the Ferula than of the Scepter; but will appear to be very ill founded, if we consider, that the Design of the Treaty, by the Majority of the Treators, was to preserve the Peace of Europe, by preventing the Union of the Crowns of *Spain* and *France*, which is now eluded by this surreptitious Will, and the Peace of Europe as much endanger'd by that Conjunction, as if the two Crowns were upon the Head of one and the same Person. There is the more ground to speak thus, that the *French King* hath said several times since the late King of *Spain's* Death, *That henceforward France and Spain shall be one*; and that his Minister hath declar'd to the Diet of the Empire, *That now he designs to keep a good Correspondence with the King of Spain, which puts him in a better Condition than formerly to assist the Princes of the Empire, and to preserve the Peace of Europe*; to which he might as well have added, *and to disturb the Peace of Europe too.* It's own'd, p. 4. *That the late Will, and the Death of the late*

Treaty of Partition was to prevent Wars.

The Design and Terms of it.

France
makes its
Interest the
Rule of
Justice and
Injustice.

King of Spain, make the difference betwixt the Treaty now and the Treaty then : which plainly shews the Partiality of the French Court, and that they make their own Interest the Rule of Justice and Injustice. The Treaty leaves no room to distinguish betwixt the Design and the Terms of it, whether the King of Spain die or live. It's evident, that 'twas not to be put in Execution till the Death of that Prince, so that all the Difference must result from the Will; his Death is only alledg'd in the Memorial as a word of course, to fill up room and amuse the Reader.

Whereas 'tis said in the same Page, *That the Design of the Treaty was to maintain a general Peace, but the Terms of it, now the King of Spain is dead, and hath made such a Will, cause a universal War* : It's a fair Vindication of the Honesty of the Designs of the other Parties concern'd in the said Treaty, and a Demonstration of the French Guilt. We have the Word of a King and a Prophet too for it, *That an upright Man will perform what he bargains, tho it be to his hurt*. If this be the Doctrine of Heaven, it's no hard matter to guess whence that other Doctrine comes, which teaches us to break Treaties and Oaths, on pretence of a Distinction betwixt the Design and the Terms; otherwise the divinely inspir'd Penman would have inverted the Proposition, and told us, that an upright Man will not perform what he swears, if it be to his hurt, because when he swore he design'd his own Advantage; but it proving now to be to his hurt, he must keep to the Design, and not to the Terms of his Oath.

That the keeping to the Terms of the Treaty would cause an universal War, if the French had the Honesty to perform their part, is demonstrably false, and contrary to what they so frequently boasted of before this Will was obtain'd, viz. *That the Parties concern'd in the Treaty of Partition were able to put it in Execution, in spite of all Opposers*: Nay it's in a great part own'd by the Memorial it self in that same Page, where 'tis said that the French King might have possibly obtain'd more considerable Advantages by his own Arms, than the Share allotted him by the Treaty, had he design'd to make use of them on occasion of the King of Spain's Death: Then who can doubt but he might have much more easily possess'd himself of that share by the help of the English and Dutch?

Emperor's
not joining
in the Tre-
aty no reason
for the Fr-
nc's accept-
ing the Will.

The main Objection lies in this, *That the Emperor declin'd joining in the Treaty of Partition, in hopes of having the Arch-Duke declar'd Successor to the whole; and that if the French Court had not accepted the Will, the Arch-Duke was of course declar'd universal Heir to all the Dominions of Spain*. But what of all this? were not the French, English and Dutch able to oblige the Arch-Duke to content himself with Spain, the West-Indies and the Netherlands, whatever disposition the King of Spain had made by his Will? It's known to be stipulated in the Treaty, that the Arch-Duke should not go into any of the Dominions of Spain during the King of Spain's Life, nor could he have done it to any purpose, but in the Terms of the Treaty after his Death. The French King had his Troops ready long before his Catholick Majesty left this World, to have seiz'd upon the Share allotted himself by the Treaty, which would have made the Arch-Duke's Passage into Spain very uneasy, upon any other Conditions; and tho he should have found means to get thither, the united Forces of those three Nations could soon have dislodg'd him, had he not agreed to the Treaty. This the French cannot but be sensible of, when they know what a large Conquest they made upon the Dominions of Spain during the last War by their own single Force, against the united Endeavors of the Emperor, Spain, England and Holland. But something they must say, and they are resolv'd to say what's nothing to the purpose, rather than be silent. Why did not they according to the Treaty join with the other Allies, in giving the Emperor two Months time after the King of Spain's Death, to consider whether he would accept the Treaty or not? As the late King of Spain's Will dis-appointed the Emperor in his Expectation of having the Arch-Duke declar'd Successor, it likewise gave France an Opportunity of shewing her Sincerity and Justice to all the World, by keeping to the Treaty, and proposing still to let the Arch-Duke have his allotted share. Who can tell but the Emperor would have accepted it? It's no way improbable but he would, since he finds himself disappointed of his Expectations as to the King of Spain's Will, and since 'tis evident, that the Honor and Advantage he must reap from the Monarchy of Spain, tho thus dismember'd, is far beyond what we can expect from his Son's continuing Arch-Duke. Had the French done thus, they might have had some Reason to say, that they design'd to preserve the general Peace of Europe; but since contrary to the Treaty, they have *vis & modis* obtain'd a Will in their own Favor, and resolv'd to stand by it, they have laid a just Foundation for a universal War, and given just Provocations to their

France
accepting
the Will, a
just Found-
ation for
a univer-
sal War.

their Allies to join with the Emperor in asserting the Right of his Family to all the Dominions of *Spain*; which should they think fit to do, may in the end prove as great a Disappointment to the House of *Bourbon* as the late King of *Spain's* Will is to the House of *Austria*.

It's pleasant to hear the Memorial say, *That his Allies had no Right to those Dom- Have no Right to Spain but by the Treaty.* nions allotted him by the Treaty; when the World knows that he could claim no other Right to them but by virtue of that Treaty. He had resign'd all the other Right that he could pretend to before his Match with the *Infanta*, without which Religion that Match had never been agreed to; and, as has been said already, his Renunciation and hers were ratify'd afterwards by the Treaty of the *Pyrenees*. It's in vain for the *French* to alledg, that he had no Power to give away his Son's Right: for if it were so, he was unjust in entering into that Marriage, Contract and Treaty, and he hath repeated his Injustice again by giving the *Dauphin's* and Duke of *Burgundy's* Right to the Duke of *Anjou*; and since they insist so much upon the Nullity of that Renunciation, it confirms the Suspicion that the Duke of *Anjou* is only to act as Viceroy to the Crown of *France*, otherwise they do but jest with the World in talking thus of Right, when in the same Breath they justify what they have done contrary to that pretended Right. Be that how it will, it's certain that this Plea lays an eternal Foundation of Quarrel betwixt the Crowns of *France* and *Spain*, if the Duke of *Anjou*, and the Heirs of his Body be any thing else but Viceroys: so far is it from Truth, that the accepting of the late King of *Spain's* Will is the best way to preserve the Peace of *Europe*.

It's no less pleasant to hear them tell us, *That it was not his Majesty's Design to ac- Fr. King's* quire by a Treaty the Kingdoms of *Naples* and *Sicily*, the Province of *Guipuscoa*, and *Design in* the Dutchy of *Lorrain*. *But his Principal End being to maintain the Peace, he treated the Treaty* upon that Foundation alone. Had the maintaining the general Peace been the alone notto maintain Peace. Foundation of his Treaty, there was no need of his treating at all; he had no more to do, but to observe the Treaty of the *Pyrenees*, wherein he renounc'd for himself and his Successors for ever, all Pretensions to the Crown of *Spain*: and if he had done so, we may very well venture to say, his Allies would not have forc'd those Kingdoms and Provinces upon him. So that if he did not treat for these, he treated either for nothing at all, or else to frighten the *Spaniards* to give him the whole, which is the likeliest of the two, as the Event hath verifi'd.

As a further Testimony of Gratitude to his Allies, the Memorial tells us, *That perhaps he might have obtain'd more considerable Advantages by his Arms, if he had design'd to make use of them on occasion of the King of Spain's Death.* To which it is easy to reply, that perhaps he might have lost greater Advantages by theirs; which will soon appear to be no Paradox, when we consider, that if in order to maintain the Treaty of the *Pyrenees*, and to keep the Peace and Ballance of *Europe*, they had join'd with the Emperor and *Spain* to attack him, and sent a good strong Fleet to harass his Coasts and bombard his Towns, he would not have found it so easy to withstand their united Force now, as he did during the last War, considering how his Men and Money are exhausted. From all which we have reason to conclude, without a perhaps, that they would have given him a severer Vomit than they did at the Conclusion of the late War, when they made him disgorge so many large Provinces and strong Towns. It is no less absurd in the Memorial to tell us, what Feats he could have done with his Arms, if he had design'd to make use of them on occasion of the King of *Spain's* Death; when all the World knows, that he not only threaten'd both Branches of the House of *Austria* with his Arms, if they did any thing to prevent the Execution of the Treaty of Partition, but march'd his Troops to the Frontiers of *Spain* to be in a readiness to seize *Fontarabia*, &c. as soon as his Brother-in-Law died, which for ought we know, frightened that poor weak-spirited Prince out of this World sooner than he might have gone.

The Pretences, p. 5. that he must have been engag'd in a long and bloody War, Being in- and that the *Spaniards* were putting themselves in a Posture to keep their Monarchy gaged in United, if he had not accepted the Will, are empty and trifling. What could that enfeebld and scatter'd Monarchy have done to keep it self united against the War with- joint Power of *France*, *England*, and *Holland*? They are not able of themselves to out accept- have resisted *France* alone, and much less all three together; the Emperor could give is a vain Pretence. them no Assistance by Sea, nor could he have hinder'd their being invaded by Land. It's in vain to object, he could have given *France* a diversion on the *Rhine*, for *Lewis* XIV. had cut him out work enough at home, by encouraging those Princes that oppose the 9th Electorate, and complain of other Grievances, to arm against him; or if that

that wou'd not have done, he cou'd have had recourse to the old and never-failing Contrivance of the most Christian Kings, which is, to engage the *Turks* to invade *Christendom*; the *French* and *Dutch* are both on the same Continent with the Emperor, and were more capable of invading him than he is of invading them: those Parts of the *Spanish* Dominions assign'd to *France* by the Treaty, might have been torn from the Body of the *Spanish* Monarchy, before the Emperor cou'd come to their Relief; and the Confederate Fleets cou'd easily have torn off *America*, which is the Soul of their Monarchy, and then it must have perish'd for ever. Of this the *Spaniards* were sensible enough, and therefore had no other way left them, but either to agree to the Treaty of Partition, which wou'd have been both to their Loss and Dishonour, or to endeavour to break that Treaty, by throwing themselves into the Arms of a Nation that scorn to be Slaves to their Word; and by this means to be rather intire Bondmen, than dismembred Freemen. This may serve for an Answer to the Duke of *Savoy's* asserting his Right, in case of the Archduke's acquiescing to the Treaty of Partition; all the World knows that that petty Prince must have unavoidably sought his own Ruin, if he had offer'd to attempt it against the Emperor, *France*, *England* and *Holland*.

Whether
the K. of
Spain's
Will was
just.

Enough has been said already to prove that no Prince of the *French* Blood had any Right to the Crown of *Spain*; but we shall here, once for all, consider that Assertion scatter'd up and down the Memorial, and particularly in pag. 6. "That the late King of *Spain* by his Will, hath at last done Justice to the true Heirs. It were to be wish'd, that the Author of the Memorial had come to a fix'd Determination what this Justice is; for sometimes he alledges this Justice was due only to the *Dauphin*, and for that end declares the Nullity of his Father and Mother's Renunciation; and here he talks of Justice done to the true Heirs by the King of *Spain's* Will, which excludes the *Dauphin* and Duke of *Burgundy*, and all that shall afterwards become Kings of *France*, and settles it on the Duke of *Anjou*, &c. So that the Justice of an Hereditary Lineal Succession, which in most Kingdoms of *Europe* hath cost so many Thousands of deluded Subjects their Lives, is quite destroy'd by this Notion and Practice. Besides, the Memorial contradicts it self in this matter, as has been already observ'd; for if *Lewis* XIII. and XIV's Renunciations were unjust, the *Dauphin's* must needs be so too. And tho the *Dauphin* be such a good-natur'd Prince as to declare, *That he shall be glad to say during his whole Life, the King my Father, and the King my Son*; 'tis a Question whether the Duke of *Burgundy* will be a Prince of such Temper. Perhaps there may be a time when some or other will whisper him in the Ear, that the Court of *France* had two different Notions of Justice at one and the same time; one, that there cou'd be no Justice in a Father's renouncing the Right of his eldest Son; and another, that a Father might justly renounce the Right of his eldest Son in favour of the second: and since both those Notions are just, that must be most just, which is most for his Glory and Advantage; and therefore since it is more glorious and more advantageous to be King of *France*, *Navarre* and *Spain*, &c. than to be only King of *France* and *Navarre*, it will be most just for his Brother the Duke of *Anjou* to come home and possess his Appanage in *France*, and restore him the Crown of *Spain*, which is his Birthright. If this be the Case, as 'tis no way impossible, the longest Sword must determine the Justice; and thus the Peace of *Europe* is excellently well secur'd by the late King of *Spain's* Will, &c.

We shall dismiss this Head with one Observation more, which is, That in order to have made the King of *Spain's* Will just, there ought at least to have been an equal Authority and Solemnity at the Ratification of it, as there was at the Ratification of *Lewis* XIVth's Contract of Marriage, and of the Treaty of the *Pyrenees*, which that Will totally subverts.

Having consider'd the chief Parts of the Memorial, it remains only to take a View of some other Particulars in it.

Partition-
Treaty not
so pernicious
as the
King of
Spain's
Will.

Pag. 14. He alledges, "That so many considerable Dominions being added to *France*, according to the Disposition of the Treaty, might have given just Jealousy of the Power of *France*; and that therefore the States shou'd prefer the Succession according to the Will, to the Treaty of Partition. But who sees not that the States, and all *Europe*, have more reason to be jealous of the addition of the whole Dominions of *Spain* to the Crown of *France*, or which is all one, that the intire *Spanish* Monarchy shou'd be under the Government of *French* Counsels? Since the Breach of the Treaty of Partition is such a fresh Instance of *French* Levity, and the greatest Contempt and Affront that cou'd have been put upon his

Majesty

Majesty of Great Britain and the States; who shall be Guarantees, that this Breach shall stop here, and that it shall not be attended with further Contraventions of other Treaties, to the Disturbance of their Peace, and of the Universal Repose of Europe? When the King of Great Britain and the Dutch entred into the Treaty of Partition, they were made to believe that the French design'd no other thing by it, but the preventing of new Wars, or, as they express'd it in their joint Memorials to the other Potentates of Europe, that the Conjunction of Affairs rendred that Treaty as necessary as the pulling down or blowing up of a Street, or some Houses, to prevent a whole City's being in Flames. They had no reason to think, that the French after being gratify'd so far, wou'd grasp at the whole Spanish Monarchy, or offer at giving any further trouble to Europe on that account; and therefore whatever their Subjects did suggest as to the danger of their Trade to the Mediterranean, they had good ground to believe, that the French shou'd have obviated those Fears by a faithful performance of the Treaty on their part. But since it hath happen'd otherwise, they have all imaginable reason to say, that the Fears of their own Subjects, and those of England, were the effects of a wise Foresight; and that therefore it's highly reasonable to lay more stress upon the Judgment of the one and the other in time to come, either as to Treaties or Events, than it wou'd seem by the Memorial they have done hitherto.

This is a sufficient Answer to what's asserted in the Memorial, pag. 13. "That Danger to
 " there's no prejudice to be perceiv'd arising to the States from the King's accept- Holland
 " ing the Will. But further, the People of Holland and England both, are very and Eng-
 apprehensive of Prejudice to be perceiv'd arising from this Practice of the French land from
 Court; and the former, especially, think they have very good reason for it, when the French
 the French King hath promis'd in his Letter to the Queen Dowager and Regency of King's ac-
 Spain, That his chief care shall be to restore the Spanish Monarchy to the highest Point of cepting the
 Glory it ever arriv'd at. This puts them in mind, that they themselves did formerly Will.
 make a part of the Spanish Monarchy, that their Revolt from under its Tyranny was a considerable diminution to its Glory, and hath been no small cause of its declining ever since. They likewise know, and still smart under the sense of it, that France hath oftner than once attempted to possess themselves of the whole Netherlands, and particularly of their seven Provinces, on pretence of giving him ill Satisfaction; for it's now become one of the most awful things of the World, to have great Monarchs complain of receiving ill Satisfaction, or of being ill serv'd: Nothing less than the Ruin of those poor Republicks or Kingdoms, so complain'd of, is sufficient to satisfy Royal Indignation. Besides, they are now upbraided with Insincerity, in demanding what they never design'd to obtain, and of framing Vows contrary to the Interest of their Republick. This is not only enough to draw the Resentments of Lewis XIV. upon them, but likewise to incense their own People against them. They are likewise threatned if they don't observe such a Conduct, as may merit the Honour of his Affection, and the Continuation of his good Will; and upbraided with not behaving themselves answerably to the Protection they have receiv'd of his Majesty and his Ancestors. These are Crimes of a higher Nature than giving him ill Satisfaction, which occasion'd their Country's being over-run by the French Troops in 1672. and therefore the poor States have reason to expect severer Treatment now than they met with then, if they don't quickly make their Peace, by breaking the Treaty of Partition too, and acknowledging the Duke of Anjou as King of Spain. Thus they and we are like to be rewarded for our Kindness in entring into a Treaty, by which France was to be aggrandiz'd with an addition of such considerable Dominions as is own'd in the Memorial, and in which we acted with so much Disinterestedness, that the French generously confess, pag. 13. "We stipulated no
 " particular Advantage to our selves. Upon the whole, since the Memorial, pag. 11. says, "That it wou'd not be consistent with the King's Equity, and his tender
 " Affection to the King of Spain, to turn his Arms against a Nation, for no other
 " Reason, but because they offer'd their new King, his Majesty's Grandson, the
 " Crown of one of the most potent Monarchies of Europe; We hope it will be allow'd to be as much inconsistent with Equity and Gratitude to his Allies, that his Majesty shou'd turn his Arms against two Nations, for no other reason, but because they were willing to add several Kingdoms and Provinces to France, which is already by far the most potent Monarchy in Europe, and that they have a greater respect for his Majesty himself, and his Kingdom, than for his Grandson, and his.

*Aim'd only
at Peace by
the Treaty.*

This Kindness was so much the more considerable, that the *French* had no reason to expect it from either of those Nations, who, had they intended any thing else by it than to secure the Peace of *Europe*, had the fairest pretence in the World to have declin'd it. They knew well enough, that the *French* King had precluded himself from all Claim to any part of the *Spanish* Succession by the Treaty of the *Pyrenees*, which tho he had broke it again and again, they were not oblig'd to think it annull'd upon that account, but might (had not their Inclinations to Peace over-rul'd their just Causes of Resentment) have made it a handle for a new Confederacy against him, upon his offering to seize any of the *Spanish* Dominions, after his Brother-in-law's Death. And as their Kindness ought to be so much the more valu'd, that it was free and disinterested from all civil Advantages, as the Memorial it self owns, the *French* ought to value it nothing the less, that their Allies discover'd themselves to be free from Bigotry, as well as from secular Interest in this Treaty: for they stipulated nothing in favour of the Protestants of *France*, who are persecuted in the most barbarous manner that ever People were; nor in favour of those of *Germany*, who are oppress'd and run down on pretence of the fourth Article of the Treaty of *Reswick*, because the *French* had oppress'd them in the same manner before that Treaty; which if *Lewis* XIV. shou'd declare against, as not being the Sense he takes that Article in, his neighbouring Princes of *Germany* wou'd not dare to extend it to the Ruin of the Protestants, as they have done.

And this the Allies might have insisted upon, before they had entred into that Treaty with *France*, and 'tis probable wou'd have done so, had they not prefer'd the Peace of the Whole to that of any Part. But it seems that no Concessions or Disinterestedness, either in Civil or Religious Things, is able to satisfy this new Fondness of the *French* King as a Grandfather, if all *Europe* don't sacrifice their Honour and Interest to the Advancement of his Grandson, which in the Memorial it self is agreed to be contrary to the Right of the *Dauphin* his own Son.

*Influence on
the Affairs
of Europe,
as to Hol-
land.*

The next Head to be consider'd, is, the Influence that this Succession may have upon the Affairs of *Europe*, and what may seem to be the Interest of the several Princes and States of *Christendom*, with relation thereunto.

The first we shall consider is *Holland*, because that Country lies next to Danger, and in all probability will be one of the first that may feel the Effects of this Conjunction. The Reasons are these:

1. The *Spaniards* look upon them as Rebels, and the *French* King by his promise to endeavour to restore *Spain* to the height of its antient Glory, seems engag'd to assist them in reducing the *Hollanders*.

2. He seems likewise engag'd to it as the declar'd Champion of that, which they call the Catholick Faith, the Advancement of which the late King of *Spain* recommends to his Successor, tho he shou'd sacrifice all to it. And it's very well known, that next to *Great Britain*, *Holland* is the great Bulwark of the Reformation.

3. As the *Dutch* are, next to *England*, the great Barrier of the Protestant Interest, they are the like as to the Civil Liberties of *Europe*, and, next to us, the greatest Obstacle in the way of a Universal Monarchy, against which they have done more than any other Nation in *Europe* besides our selves; which the *French* have experienc'd to their Mortification, and therefore are like enough to improve their Advantage against them.

4. The present Conjunction of Affairs lays them more open than ever to a *French* Conquest. *Flanders* and *Brabant*, their natural Barriers, are now no more to be accounted such. The *Spaniards* kept those Provinces, not for any Advantage they reap'd from them, for every Man knows they were a great charge to that Monarchy; but their chief reason of keeping them, was to be a Thorn in the side of *France*, or a Bone for the *French* to gnaw upon, by which means they were sure to give them a Diversion, when at any time they had a mind to attack the Body of their Empire; because the Conservation of those Provinces in the Hands of *Spain*, was of such Consequence to the Emperor, *England* and *Holland*, being in some sort a joint Barrier to all of them, that they wou'd never suffer the *French* to take intire possession of them.

But the Scene of Affairs being now chang'd, and *France* and *Spain* acted by the same Counsels, both those Crowns will be glad of the Opportunity of reducing the *Dutch*; the former upon the Accounts above-mention'd, and the latter, besides the Causes of Hatred to the *Dutch* common to them both, can never expect such an easy and fair Opportunity of bringing them back to their antient Allegiance, which will be the pretence at least for a time.

The Danger of the *Hollanders* is increas'd by the following Reasons :

1. That the Inhabitants of the *Spanish Netherlands* are their Enemies on account of Religion; the *Flemings* being such bigotted Papists, that they think all Protestants damn'd, or little better. 2. That they hate them upon the account of Trade, the Seat of which was formerly at *Antwerp*, but is now remov'd to *Amsterdam*. 3. That they bear them a Grudg upon some late Emergences; and charge them with seeking Advantages over them indirectly by the late Treaty, for having the Electoral Prince of *Bavaria* declar'd Successor to *Spain*. 4. That the *Dutch* Ports and Harbours are so necessary for the *French*, that without them they can never well succeed in their Designs: for tho *Newport* and *Ostend*, which now we must look upon to be at the Command of the *French* Court, give them more advantage for their Shipping in the narrow Seas, than formerly they had; yet till the *Dutch* be rendred incapable of disturbing them with their Fleets, they can never be safe in any Naval Expeditions or Designs upon these Parts of *Europe*. Nor can the Staple of Trade be brought back to the *Netherlands*, till the *Dutch* be broken at Sea.

Which is further consider'd.

The Case being thus with the *Dutch*, it's their Interest in the first place, to cultivate a good Correspondence with *Great Britain*, to enter into a League Offensive and Defensive with us, and, in order to make it firm and durable, to take such Measures in time to come as may wipe off the Imputation of a selfish and incroaching Temper in Matters of Trade, and to behave themselves so as that we may have no further Occasions to complain of their open or secret Endeavours to hinder the Trade of all or any of these Nations.

Should maintain a good Correspondence with Great Britain,

It is likewise their Interest to keep a good Correspondence with the Northern Crowns, who are capable of assisting them with Forces by Sea and Land. They must do the like with the Elector of *Brandenburgh*, and the three Princes of the House of *Brunswick*, they being capable to over-balance the Bishop of *Munster*, the Elector of *Cologne*, the Duke of *Newburg* and Chapter of *Liege*, their Popish Neighbours, in case of a Religious War, which the present Juncture of Affairs seems to threaten.

And the Northern Crowns.

It is their Interest, in the mean time, to cultivate a Friendship with those Neighbours, and to endeavour to bring them to a defensive League, because of the common Danger they are all threatned with by the Conjunction of *France* and *Spain*; and above all, they ought to beware of too precipitant Resolves, as to any League with *France*, tho their Affairs be ever so pressing: Their too much hast in that Matter, without consulting *England* and their other Protestant Neighbours, may be fatal to themselves and to all *Europe*. The false Steps they took formerly in clapping up the Peace of *Nimeguen* too soon, contrary to the Opinion of their Stadtholder, and their Ally the Elector of *Brandenburgh*, may serve them as a Caution in this Matter.

We come next to consider what may be the Interest of *England* in the present Juncture: And in the first place, it seems absolutely necessary to enter into a stricter Amity and Friendship with the *Dutch* than ever. To this end the joint Endeavours of King and Parliament are requisite, that, if possible, all those Causes, real or imaginary, that were formerly made use of to embroil us with such useful Neighbours, may be remov'd, and all Affairs relating to Trade amicably adjust'd, and so far concert'd as the Nature of the Things will bear, that they may not be Seeds of future Divisions.

Interest of England as to this Succession.

In the Reign of the glorious Queen *Elizabeth*, it was found to be the indispensable Interest of *England* to support the *Dutch*. And the mischievous Consequences of our Differences were represented by two Pitchers swimming together, with this Motto, *Si collidimur, frangimur*; i. e. If we be dash'd together, we are broke. It's more our Interest now, than 'twas then, to keep a good Understanding, and to avoid all Divisions with them. The *Spaniards*, who were at that time the Champions of Popery, and the Pretenders to the Universal Monarchy, had *France* to oppose 'em, and no other Countries near us, from whence they cou'd conveniently invade us but *Flanders*, which was liable to the Attacks both of the *Dutch* and *French*; whereas *France* and *Spain* are now conjoin'd, and *Flanders* under their Command. So that we may be invaded both from *France* and *Flanders*, nay and from *Holland* too, if once the *French* become Masters of that Country, which they may soon be, if we don't use our utmost Endeavours, and cordially join with the *Hollanders* to prevent it.

In Q. Eliz. time supported the Dutch.

This we are oblig'd to by Interest and Gratitude. The Assistance they gave us in the late Revolution, to which we owe all that we enjoy as Men and Christians, hath not only repaid us with Interest what we did for them in Q. *Elizabeth*'s time, but laid us under an Obligation of taking care of their Safety as well as of our own.

Is oblig'd to it by Gratitude.

None so capable as the Dutch to give the French a Diversion.

That it is our Interest to do so, will soon appear, if we consider, that there is no other Foreign Nation so capable as the *Dutch*, of giving the *French* a Diversion by Sea and Land, if they shou'd attempt to invade us. 'Tis certainly our Interest to keep the War at a distance as long as we can, and rather to have the Seat of it abroad than in our own Bowels: This we have successfully put in practice in Queen *Elizabeth's* Reign, and that of his present Majesty. We have the same Opportunity of doing it still, so long as the *Dutch* preserve their Liberty. We can either assist them by Forces from *England*, or hire Troops from *Germany* and the Northern Crowns to join with them against *France*, if need be. That will give the *French* a sufficient Diversion on the Continent; and it's well enough known what the *Dutch* and we are capable of doing at Sea, either offensively or defensively, as occasion requires.

Consequences of our not strictly uniting with Holland.

But if, on any Account or Pretence whatsoever, we shall be so much infatuated, as not to take joint measures with the *Dutch* for our mutual Support, we may easily foresee that the Consequences will be as follows.

1. That the *Dutch* must either be totally brought under the Power of *France*, and their Government dissolv'd; or they must be forc'd to submit to such Terms as the *French* shall impose.

2. If that be the Case, then we are cut off from all Opportunity of giving the *French* a Diversion, by landing Men peaceably on the Continent.

3. We are not only depriv'd of that powerful Assistance which the *Dutch* are capable of giving us by Sea, but must have their whole Naval Force in conjunction with that of *France* and *Spain* to fight against; and that they will be an Overmatch for us in that Case is not to be controverted.

Our Sea-Trade will be thereby destroy'd.

4. We are not only in danger of having all our Trade to the *Mediterranean* cut off, but that to the *Baltic*, and the *East* and *West-Indies* totally destroy'd. We found in the late War what a mighty Interruption *Du Bart* and his *Dunkirkers* gave to our East-Country Trade, which may soon convince us, that when once the Sea-ports of *Holland*, *Zealand* and *Flanders* are in the hands of the *French*, we cannot trade with Safety to any of those Parts. For our Commerce to *Turky* and the *Mediterranean*, we must resolve to fight our way thro the Straits; and if we shou'd be successful in doing so against such an united Naval Force, as we just now spoke of, which is next to impossible, the *Portuguese* and *Italians* will not dare to entertain us in any of their Harbours; nor, were they willing, can it be long e'er they run the same Fate with the *Dutch*, they being in no capacity to withstand the united Power of *France*, *Spain* and *Holland*: and besides, these Nations will find Methods to forestal the Markets by Woolen Manufactures, &c. of their own. Our Trade to the *East-Indies* will be liable to the same Inconveniences; we are not only in danger of being attack'd, as going and coming, but of having the *French* and *Dutch* Factories in those Countries united against ours, in order to destroy them: and tho this were not so, being over-match'd at Sea, we can have no Opportunity to export our Commodities, when they are brought home, as we have hitherto done; and Trade falling into such a Decay, our People must of necessity become poor, which will render us incapable of consuming much of those Commodities at Home. We shall labour under the like Inconveniences as to our *West-India* Plantations and Trade. The *French* have Settlements so near us, and the *Spaniards* are so jealous of Rivals in that Trade, that they will speedily and readily concur to ruin us there. 'Tis true, that at present our Strength is considerable in those Parts; but when we are not able to relieve and encourage them, as it cannot in that Case be reasonably suppos'd we shall, those Plantations must of consequence be over-run by our Confederate Enemies.

And our Shipping must decay.

5. Our Trade being thus destroy'd by Sea, Poverty must needs come upon us like an arm'd Man, our Shipping must decay; which besides the Loss of the vast Treasure, which the Nations have now in Stock that way, will ruin innumerable Families, not only those that belong to Seamen and Masters of Ships, but Merchants and Tradesmen that liv'd and were employ'd by buying, making, exporting and carrying Manufactures to and again. The Consequence of this will quickly affect all degrees of People, from the King to the meanest Day-Labourer, the Revenues of the Government must sink in all its Branches, and those who have their Dependence upon it must bethink themselves of a new way of Living. The Landedmens Rents must fall, the Husbandman and Grazier will not find their wonted Account in their Labour and Industry; so that, by necessary Consequence, we must become poor and defenceless.

6. *Holland*

6. *Holland* being thus run down, we are laid open to an Invasion, whenever *France* and *Spain* think fit; and we are cut off from all possibility of Help from the *Continent*. These are the Consequences that must necessarily ensue our Not concerning our selves in the Support of the *Dutch*, who, if they find themselves reduc'd to Extremity for want of Assistance, will follow the Example of the *Spaniards*, and make the best Terms they can for themselves, to prolong the Term of their Liberty, there being some Comfort to be the last that shall be destroy'd. It appears by Sir *W. Temple's* Letters, [printed for Mr. Tonson, Vol. I. Page 127.] that they were very near taking such Resolves, when the Dangers that threatned them were scarcely so great, at least not greater than now; his Words are as follows: 'If the *French* should carry *Flanders*, as they very well may in another Campaign, by the Weakness and Disorders of the Government here, the *Dutch* are sensible that they must fall to be a Maritime Province of *France*, upon the best Terms it, they can.

And we laid open to Invasion.
Sir W. Temple's Opinion of it.

What immediately follows, being this great Statesman's Opinion of the Dangers that would thence accrue to other Parts of *Europe*, and particularly to *England*, it's thought fit to insert it as follows: 'The Empire will expect to see them soon at the *Rhine*, and thereby Masters of four Electorates; and what a Condition *England* will be left in by such an Accession of Maritime Forces, as well as Provinces to such a Power as *France* is already, is but too easy and too melancholy a Reflection.

If this was the Opinion of that able and experienc'd Minister then, we have good reason to conclude that our Danger is much greater at present. The *French* are now actually at the *Rhine*, possess'd of *Strasburgh*, one of the most important Places upon that River; and without the trouble or hazard of a Campaign, have the Liberty to enter *Flanders* when they please: and that they have a disposition to do so, and are in a readiness for it, is plain enough from the Proffers that have lately been made to the Government of the *Netherlands*, the Threats in the Memorial exhibited to the *Dutch*, and the Orders that are given for all Protestant Strangers to retire from *Dunkirk*.

'Tis in vain to object, That the *Spanish* Government will not allow of it: The same Means that have been us'd to oblige them to accept the Duke of *Anjou* for their King, will have Influence sufficient to oblige them to that and much more. There's no want of Pretences for the Necessity of it. That known one of preserving those Provinces from any Invasion by *England* and *Holland*, that have not as yet acknowledg'd the Duke of *Anjou*; and that other of dislodging the *Dutch* Troops from the *Spanish* Garisons, and depositing the Money requisite for that end, are such invincible Arguments as the Government of *Spain* is no ways able to answer at present. Besides, 'tis no prudence in them to testify any thing of distrust of *Lewis XIV.* at this time, lest he be provok'd to assert another sort of Title to their Crown, than any that is to be claim'd from their own Invitation, or their late King's Will: and therefore considering that whilst they must be at Peace with *France*, the *Netherlands* is not of that same Importance to them as formerly, there's no probability, that they will give any Disgust to the *French* on that Account, and much less break with them.

There are two other Considerations that make this Conjunction of *France* and *Spain* more dangerous to *England*, than the Attempts of the *Spaniards* alone, when they aim'd at the Universal Monarchy.

The 1st is, that those two Kingdoms lie contiguous, and can easily communicate Counsels and Forces; whereas the two Branches of the House of *Austria* were separated from one another at a vast distance, and could not join their Forces without great Charge and Trouble in transporting them by Sea, and long and troublesome Marches by Land: the *French* can invade us with ease from their own Country, and *Flanders* too, without fatiguing their Troops, as the *Spaniards* in their Case were oblig'd to do.

The 2^d is this, That the *French* have our abdicated King and his pretended Issue, upon which they may found a Quarrel with us, and, besides Papists, too many unreasonable and ill-principled Protestants, that adhere to his Title: And how dangerous that sort of Men is, we had like to have found by woful Experience, had not the Almighty prevented the horrid Design of the Assassination and *French* Invasion. Or if they should think fit to lay aside that Prince's Claim, to keep him and his Issue still Prisoners there, or to dispose of them some other way, they have a Prince of the House of *Savoy*, and several of their own Blood, who have as good Titles

Conjunction of France and Spain more dangerous than Spain alone aiming at Universal Monarchy.

tles by Birth to the Crown of *Great-Britain*, as the Duke of *Anjou* has to the Crown of *Spain*; and by taking a step or two further from the direct Line, which in such a case will break no squares, they may attempt to set one of them upon our Throne. Who knows but the present Humour and Ambition of the *French*, back'd with so much Power, and encourag'd by such a favourable Opportunity, may put them upon this Project? It would be a very good way to outvy the House of *Austria*: They found a Method to give their Eagle two Heads, and by this means the *French* might engraft their Lilies upon three Stocks. So much for our Interest to join in a League with the *Dutch* for mutual Support.

England's
Interest to
enter into a
League
with the
Emperor,
&c.
Advanta-
ges of it.

In the next place, it would seem to be our Interest to enter into a League with the Emperor and Empire, for maintaining the common Liberty of *Europe* against the formidable Growth of the Power of *France*, and asserting the Arch-Duke's Title to the Crown of *Spain*.

The Advantages accruing to us by this would be,

Ease to be
obtain'd for
the Prote-
stants in
the Em-
pire, &c.

1. That by this Means the *French* would have a powerful Diversion on the *Upper-Rhine*, and in *Italy*; for in that Case the Emperor would be encourag'd to use his utmost Efforts to right his Family, and avenge Himself for the Injustice done him, which would oblige the *French* King to send powerful Armies to oppose him in both those Countrys, and by consequence prevent his Attempts upon *Holland* and *England*, or at least be a good way to render them abortive.

2. By this means the *Austrian* Party in *Spain* would be animated to oppose the *French* Interest as much as in them lay; and by entering into a good Correspondence with the King of *Portugal*, might give the *French* Force a great Diversion on that Side, and make their Impressions elsewhere the less effectual, it being the best way for lessening the Force of a Stream, to divert it into several Channels.

3. By virtue of this League with the Emperor, it's very probable we might obtain an ease from *Persecution* for our *Protestant Brethren*, not only in the Empire but in *Hungary* and other Countries under his own immediate Power. This it's highly reasonable to think he would grant, as an Acknowledgment of our Kindness, and on the account of his own Interest, that the *French* may not improve the *Persecution* in *Hungary* as a Back-door to let in the *Turks* again upon the Empire. If this were obtain'd, it would make good the Defect of the Treaty of *Reswick* on that Head, which hath ruin'd so many hundreds of *Protestant Churches*, and exposes the Reformation in the Empire to such barbarous *Persecutions*, particularly those of the *Palatinate*; for whom in this case the Emperor might easily obtain, nay command Liberty at the hands of his Brother-in-law the *Electo Palatine*.

Religious
War to be
prevented.

4. This League betwixt *England*, *Holland*, and the Empire, would be one of the surest Methods in the World to prevent a Religious War, and by consequence blow the Tempest over upon *Italy*, which the Court of *Rome* designs should disburden it self upon us.

But in case the Conclave of *Rome* should have so much Address under the Conduct of their young Politick Head, as to find Methods to cement the different Interests of the Empetor and *France*, and to unite them against the Reformation, by Inter-marriages, the Concession of *Milan* to the House of *Austria*, and a Promise of the Assistance of *France* to make the Emperor absolute in *Germany*, provided he resigns his Pretensions to the *Spanish Succession*; it would seem necessary that we should be provided against it. This Project 'tis true will be hard to execute, and some may think it impolitick in *France* to fall in with it, because the Emperor by this means will become too redoubtable: but considering the Bigotry that possesses both those Families, the known Maxim of the *Romish Church*, that the Propagation of her Faith must be prefer'd to all other Interests, and that tho the Emperor were absolute in *Germany*, the united Force of *France*, *Spain*, and the *Netherlands*, supported by the Treasures of *America*, will be an Over-match for him, the Proposal may be more tempting to a weak and ambitious Mind than we can imagine.

Be that how it will, it's certain the Protestant Interest is in very great danger, as Matters are now, and must be much more so if such a Conjunction should happen. Therefore it is requisite that they should bethink themselves of Methods for their own Security in all Events.

Wherein the
Romish Ido-
latri has
advantage
over the
Reforma-
tion.

The *Romish* Idolatry hath a great Advantage over the Reformation, in these following Particulars.

First, That it better sutes the ambitious Designs of Princes who have a mind to be Arbitrary: For a Largess to the Church, they may soon be absolv'd from all Obligations to maintain their Subjects in the possession of their Property. Corona-

tion-Oaths, Instruments of Government, *Pacta Conventa*, Claims of Right, Golden Bulls, Constitutions of Diets, Parliaments and Cortes, or what you will, are but so many Cobwebs, that are easily swept down by the Pope's Dispensations, Murders, Assassinations, Massacres, and the greatest of Crimes that Hell can suggest, or that depraved Man can execute, may easily be hallow'd by the Pope's Consecration. To break Faith with Hereticks is a Virtue, to observe it is a Crime, by the Determination of their Councils; so that we cannot take too many Precautions against that Religion, and the Princes that profess it: Honour and good Nature do sometimes overcome the Poison of their Principles, but they are not to be relied on.

A second Advantage that Popery has over the Reformation is this, That according to their Principles, Men may be as wicked as they please, and yet force their way to Heaven by Pardons, Indulgences, Jubilees, Penances, Soul-Masses, &c. but best of all by persecuting and destroying those they call *Hereticks*: this is a ready Atonement for the greatest Cruelty, or most unnatural Lust; and therefore a Principle that the Reformed ought to provide against, as one of the most prevailing upon deprav'd Nature, that ever the Author of false Religions invented.

A third Advantage they have over the Reformed is this, That the Romanists have a fix'd and certain Head, who protects and assists them all over the World, and to him they have recourse in all Exigences. The Pope, or rather the See of *Rome*, is the Center of their Union; and tho' their Differences among themselves be greater, more numerous, and pursued with as much Acrimony as those among Protestants, the Pope and his Concave are so politick as to keep all of them within the Pale of the Church; and to the shame of some Protestants don't narrow the Terms of Communion, so as to throw any of them out; nor are their different Opinions an Obstruction to the Civil Preferment of any Layman of this or that Sect.

In order to counter-balance those Advantages, it follows naturally, That Protestant Princes and States should enter into a League offensive and defensive upon the account of their Religion. That the Government of every Protestant Kingdom and State should take care that no Protestants, who agree in the establish'd Doctrine of their respective Kingdoms or States, should for their differences in other things be made incapable of Ecclesiastical or Civil Preferment; that there should be a mutual forbearance of one another in those minute Differences, and no other Terms of Communion impos'd upon any, but those that are the revealed Terms of Salvation. There's no Reformed Nation in the World so guilty of this as *England*, and therefore it's our Interest more than others to beware of it.

Tho' the Principles of the Reformation (or, which is all one, true Christianity) are so noble and sublime, that they will not allow us to look for a Spiritual Head any lower than Heaven, it does not therefore follow, but Protestants may agree upon a common Protector and Civil Head on Earth. This falls naturally upon the Government of our Island, and was gloriously perform'd by Queen *Elizabeth*, notwithstanding the disadvantage of her Sex: Why those who succeeded her till the late Revolution, did not act the same part, the Reasons are so well known that they need not be insisted on.

But now that God has bless'd us with a Prince, the Hero of his Age, and the Representative of a Family, which for a hundred Years past has been the Scourge of Popery, and the Buckler of the Reformation; what is it that can hinder the Protestant World from acknowledging him as their common Protector? In order to this it seems to be the Interest of this Nation to enable his Majesty to act as such, and to assist him in an Enquiry to find out and prevent the Causes why the Protestant Interest has declin'd so much of late all over the World. There was no Cause of wondring at it, when *Lewis XIV.* triumph'd every where without controul, and when the Throne of *Great-Britain* was become a Votary to *Rome*. But if the Conquests of that Church should still continue to be enlarg'd, when *England* and *Holland*, the two great Protestant Powers of *Europe*, are united under one gallant Protestant Prince, who hath distinguished himself as much by his Zeal for Religion as by his Valour in the Field, it must needs argue an unpardonable Defect somewhere, which certainly no good Protestant will refuse to join with his Majesty in finding out, and endeavouring to remedy.

In order to make his Majesty to take upon him this glorious Province, 'tis not only necessary that there should be such a League among Protestant Princes and States as above-mention'd, and that they should all agree to give his Majesty full

Power

And sup-
press all en-
deavours to
arm one
Party a-
gainst an-
other.

Power to inquire into the Invasions made upon the Protestant Interest through the World, and in the Name of the whole to protest against them, and demand and attempt a Redress; but that all Differences among our selves should likewise be so far compromised, as it shall not be in the Power of any future Prince or Party, Domestick or Foreign, to arm Protestants of one Denomination against those of another, under any Pretence whatsoever. That was the Method taken in the late Reigns to introduce Popery and Slavery; and therefore having already suffer'd under it, we should be the more careful to avoid it. Nor should this Precaution extend only to Differences in Matters of Religion, but also to those of another nature, which have been made use of to foment Civil Differences amongst us; such as Mens different Opinions about the Extent of Prerogative, or the Privilege and Power of Parliaments; by which we have been and continue still to be divided, under the odious distinction of *Whig* and *Tory*. There's no wise Man of either of those Denominations, but when sedately discours'd, will tell you, that he's for preserving the true *English* Constitution: then since it is so, and the known Laws of the Land are the Boundary betwixt Prerogative and Property, What Reason is there that any Man who is willing to give that Security for his Allegiance which the Law requires, should be look'd upon with an evil Eye, or be thought incapable of serving the State? Such Differences, as they weaken our mutual Confidence in one another, and render us uneasy at home, make us also the less considerable abroad, and more subject to the Intrigues of Foreign Princes and States.

Sir W.
Temple's
Judgment
of the Dif-
ferences a-
mong Pro-
testants.

It was a judicious Observation of Sir *William Temple*, in the second Volume of his Letters, pag. 229. where he writes thus to Sir *John Trevor* from the *Hague*, July 22. 1670. 'I am sorry the Business of Conventicles gives you so much trouble, and would wish we were at a good End of all such Controversies, which make his Majesty appear abroad to have so great and considerable a number of Subjects that have not learnt to obey him; and consequently make up no part of his Strength, but seem rather to lessen it, and amuse People both at home and abroad with Imaginations of Changes: Yet Monsieur *Van Beuninghen* hath represented it hither as a Business which his Majesty will easier master than you seem to be confident of; but their Interest here may help them to believe, as well as to desire it upon the Expectation of so many Persons and Stocks as will be brought over to them upon this Occasion, and makes, as they suppose, a considerable increase of their Trade and diminution of ours.

Differences
in Trade
dangerous
to England.

These Differences in Opinion are not the only Evils we labour under, we are also divided in Matters of Trade, Company against Company, and all of them against the Trading of any other but themselves. It's known what Influences those Divisions have had upon some late Elections; what further Influence they may have that way upon the Government at last, and by consequence upon our Peace, is not easily foreseen, and cannot be prevented without difficulty, if they whose Business it is don't take speedy and proper Measures to bring those Differences to an accommodation.

Scottish and
Irish Grievances
should be
redress'd.

The same is to be said as to the Grievances complain'd of by the *Scots* and *Irish*: Care ought to be taken, that what they justly complain of should be speedily redress'd. The Advices of such Persons or Trading Companies, who have different Views from what the Parliaments of those two Kingdoms think to be their indispensable Interests, seem not so proper to be follow'd in those Matters; an amicable Conference betwixt Commissioners chosen by the Parliaments of all the three Nations, authoriz'd for that End by his Majesty, would seem to be a proper Expedient for removing such Misunderstandings as are already crept in, and to prevent such for the future: Our Union is our Safety; further Divisions in the present Conjunction, may open a Back-door for the common Enemy; and till further Methods can be resolv'd on, it would seem necessary, that nothing should be done which looks like a denial of any thing that these two Nations can justly claim as the Right of their Constitution. His Majesty hath again and again declar'd very graciously, *That he will never believe that the true Interest of his Crown and his People can be opposite*; which is a fair warning for all Persons to beware of the Consequences that may follow any Attempts, to divide those two Interests that ought to be inseparable.

England
ought to
give his
Majesty all
Marks of
Fidelity.

His Majesty having given his Subjects such Assurances on his part, it remains that we should give him all due Marks of Fidelity and Confidence on ours; and since his Majesty's Courage in War, and Conduct in Peace, are so well known as to be own'd
by

by his very Enemies, the highest Deference ought to be paid to his Counsel and Advice, as to what is necessary for enabling us to defend our selves, and to assist our Neighbors as occasion requires: whether this is best to be done by raising Forces at home, and sending them abroad, or by making use of our Native Strength to defend our selves, and hiring Foreign Troops to assist our Allies, and under what Regulations and Provisoos for securing our Liberties against such Dangers as may be reasonably apprehended from Armies in our Pay at home or abroad, must be left, as it's fit it should, to the wise Determination of King and Parliament; betwixt whom when they meet, may Heaven create a good Understanding.

In the mean time if his Majesty and his Parliament shall agree upon it as the Interest of the Nation to enter into a League with the *Dutch* and the Empire, &c. to oblige the *French* King to stand to the Treaty of Partition, or to assert the Arch-Duke's Right to the whole Succession, thus much we may venture to say, That the Naval Force of *England* and *Holland*, commanded by such Persons as the King and the Nations confide in, may in all probability bring the War to a speedy Conclusion. This we have good Reason to believe, if besides all that's necessary for our Defence at home, we send such Squadrons abroad as may secure the Treasure of the *West-Indies* for the use of the League. By this means we possess our selves of the most valuable Part of the *Spanish* Monarchy, till the Succession be so settl'd, as to keep the Ballance of *Europe* in its due Situation. We cut off the Sinews of War from the common Enemy, and make *Spain* and its Dominions in *Europe*, a Burden to the *French* instead of an Advantage.

Naval Force of England & Holland may speedily end the War.

In order to all these great Ends, it's requisite that more than ordinary care be taken of his Majesty's sacred Person; our own Safety, as well as that of all *Europe*, seems next to the Divine Protection, to be wrap'd up in his single Life: and that it may be in danger by Assassins, our former Experience, the late Publication of *Charnock's* pretended Letter, the known Temper of our Enemies, the present Conjunction of Affairs, and suspicious Advices from abroad, give us too just cause to apprehend.

Care of his Majesty's Person.

These Considerations having swell'd already beyond the Proportion intended at first, what follows shall be dispatch'd in as few words as possible. It's probable that the present Conjunction may occasion a change in the Conduct of the Court of *Vienna*. It seems to be their Interest, to grant a speedy Redress of all those Grievances complain'd of by the Princes and States of the Empire in Matters Religious or Civil. It's a very false step in Government, for Princes to invade the Rights of their Subjects, but especially those relating to Conscience, over which there's none but the Tribunal of Heaven can claim any Jurisdiction. It's a Point which by all Men that have any regard to Religion is accounted the most tender of any; and as they are the most sensibly touch'd with Injuries of that nature, their Resentments of them make the deepest Impression. It's therefore the Emperor's Interest to forbid all Violence on that Head immediately. It's Mortification indeed to haughty Princes to be oblig'd to yield to the Demands of their Subjects; but when they are founded upon Justice, and at the same time those Princes stand in need of the Purfes and Swords of their People, it's their Interest to grant their Desires. It had been well if the House of *Austria* had learn'd Wisdom in this Matter from former Experience. There's so much Freedom interwoven in the Constitution of the Empire, that Men of Sense there, as well as in some other Parts of the World, think it very great Hardship put upon them, that they must purchase good Laws at the Expence of their Treasure and Blood, when by all the Notions of Government that we have from Reason or Religion, Princes seem antecedently oblig'd by the Command of the great Legislator to concur in making such Laws, without any such Consideration. As it is the Interest of the Emperor to do thus, it's the Interest of the Electors and Princes of the Empire to accommodate their Differences with him upon as reasonable Terms and as speedily as may be; their Appeal to *France* will but exasperate Matters, and endanger their Liberty. It's particularly the Interest of the Protestant Princes and States to beware of his Mediation. It would seem more proper for them to have recourse in all such Cases to the Interposition of *England* and *Holland*; especially in the present Situation of Affairs, when the Power of *France* is aggrandiz'd to a formidable height.

This Succession may alter the Conduct of the Court of Vienna.

Absurdity of invading the Rights of Conscience.

Interest of the Electors to agree with the Emperor.

As to the Cantons of *Switzerland* and their Allies, it's like that the present Conjunction will scarcely oblige them to abandon their Neutrality, because they are liable to Invasions on both sides; yet considering that *France* is now at Peace with *Spain*, it's

Of the Swiss Cantons in this Conjunction, it's

it's the Interest of the *Swissers* to secure themselves against the Designs of *France* by fresh Alliances; and considering that the Protestants are by far the most numerous part of the *Swissers*, joining the Reform'd Cantons in a Protestant League seems absolutely necessary: and on the whole, it's their Interest to help to keep the Balance betwixt *France* and *Austria* in an equal Counterpoise, by such Methods as their Prudence suggests.

Of the
Princes
of Italy.

For the Princes and States of *Italy*, it's evidently their Interest to do the same, to the Balance of *Christendom*; for to which side soever it inclines, they are in danger: but considering that the two Branches of the Family of *Bourbon* lie contiguous to one another, and have a great Naval Force, it's certainly their Interest that the *Spanish* Succession should rather be settl'd on the Arch-Duke, and to contribute towards it privately, till an Opportunity offer for doing it otherwise.

Of the Por-
tuguese.

It's the same as to the *Portuguese*; but as their Danger of being swallow'd up immediately obliges them to act with Caution, it's an equal Obligation upon the other Princes of *Europe*, to prevent the Addition of that Kingdom and its Foreign Plantations to the House of *Bourbon*: and when any Endeavor of that nature is made by the Potentates of *Christendom*, it's the undoubted Interest of *Portugal* to join them with their utmost Strength, and to contribute to the same underhand, until such time as they may avow it with Safety.

Northern
Crowns.

For the Northern Crowns, they must needs expect to have the Neighbouring Dominions on the Continent speedily swallow'd up, if once the *French* become Masters of the *Netherlands*. Their Navigation must in a little time after become merely precarious, and their Religion and Liberty at the Mercy of the House of *Bourbon*. But since it's the Maxim of those two Crowns always to take different sides, it's in the Power of the *English* and *Dutch* in conjunction with the Empire to ingage the strongest on our side, and to oblige the other to their good Behavior, on pain of smarting for it, in case they take Measures contrary to the Protestant Interest, and the Liberty of *Europe*.

The Hans-
Towns.

For the Hans-Towns on that side, the Form of their Government and the Interest of their Trade will oblige them to join with the Asserters of Liberty; and for the Republick of *Poland*, their Interest is the same. They have as much Reason as any People whatever, to dread the Increase of the *French* Power; for besides that it will be fatal to their Liberty and Form of Government, they must only take care of giving the *French* an Opportunity of revenging the Affront put upon them, by rejecting the Prince of *Conti*: and considering the Suspicion that some have of their King to render himself Absolute, and the Crown Hereditary, and that they have their intestine Broils to struggle with, it's probable that the Trouble they give to *Sweden*, will be of no long Duration. The Elector of *Brandenburg* alone is capable of doing much to bring that War to a Period; and considering his own Interest, and the new Obligations laid upon him by the Emperor, there's ground to believe, that he will take effectual Measures in that Affair.

Of the Czar
of Mus-
covy.

The Czar of *Muscovy* seem'd by his late Ramble into these Parts of the World, to have no Inclination to the *French* Interest, but on the contrary to hate it; and therefore it cannot be his Advantage to carry on the Designs of *France* by disturbing the Peace of the North. That will only expose his own Dominions and the *Greek* Church to the future Attempts of *France* and *Rome*, and totally ruin his Trade, which he seems desirous to advance: But if he continue obstinate, it's in the Power of the *English*, *Dutch* and *Swedes* to give him a Naval Meeting on the side of *Archangel*, besides what the latter are capable of doing by Land; which may soon convince him, that it is more his Interest to turn his Arms against the effeminate *Persians* and other Easterlings, where he may find better Booty with fewer Blows.

For the Satisfaction of the Reader, we shall conclude with the Articles of the *French* King's Contract of Marriage, wherein he renounces the *Spanish* Succession for himself and his Heirs; the Article of the Treaty of the *Pyrenees* upon the same Subject, and the Article of *Philip* the Fourth's Will relating to it, that the State of the present Controversy may be set in its full Light.

The Clause of Renunciation in the Contract of Marriage betwixt his most Christian Majesty, and Donna Maria Theresa of Aultria.

THAT for as much as their most Christian and Catholick Majesties are come and do come to conclude a Marriage, in order to the perpetuating and securing, by means of this Tie of Affection, the Publick Peace of *Christendom*, and between their Majesties that Love and Amity, which every body hopes there is between them; as also for what concerns and imports the Good of the Republick, and the Preservation of the two Crowns, which being so great and puissant, they cannot be united into one; and that from henceforward the Occasions of such a Conjunction may be prevented: Therefore considering the Quality of the Subject, and other just Reasons, more especially that Equality which ought to be preserv'd, Their Majesties agree and ordain, by Contract and covenanted Compact between themselves, which shall issue forth, and obtain the Place, Force and Vigor of a firm and establish'd Law for ever, in Favor of their Kingdoms, and for the common Welfare of both, That the most Serene *Infanta of Spain, Donna Maria Theresa*, and the Children begot of her Body, whether Male or Female, and their Posterity, First or Second, Third or Fourth Generation born after her, in what Degree soever they may be, that is to say for ever, neither can succeed nor may succeed to the Kingdoms, Estates, Signiories and Dominions which belong or shall belong to his Catholick Majesty, and which are comprehended under the Titles and Qualities mention'd in this present Capitulation, nor to any of his other Kingdoms, Estates, Signiories, Provinces, adjacent Islands, Captainships, nor to the Frontiers which his Catholick Majesty possesses at present, or which do or may belong to him, as well within as without the Kingdom of *Spain*, and which for the future his Catholick Majesty or his Successors shall have or possess, or which shall belong to him or them; nor to any that are comprehended in these, or depend upon them; nor to any of those which hereafter at any time whatever may accrue to him, or which he may acquire or add to his said Kingdoms, Estates or Dominions, or which he may regain, or which may escheat to him by Devolution, or by any other Title, Right or Reason whatsoever, tho it were during the Life of the said most Serene *Infanta, Donna Maria Theresa*, or after her Death in the Life-time of any of her Off-spring, first, second, third born, or further, whereby any Ground or Grounds in Law, by which either of Right, or by the Laws and Customs of the said Kingdom, Estates or Dominions, or by the Disposals of Titles, by which they might succeed or pretend to succeed to the said Kingdoms, Estates or Dominions, may be said to belong to them from the Succession: in all which Cases the said *Donna Maria Theresa* says and declares her self to be from henceforth excluded, and to remain truly and lawfully excluded, together with all her Children and Posterity, Male or Female, tho they would or could say or pretend, that in their Persons neither the said Reasons of State, nor any others, upon which the said Exclusion might be grounded, could be of force, or could or ought to be consider'd, or that they should alledg (which God forbid) that the Succession of the Catholick King, or his most Serene Princes or Infants, and abundance of Males which he has and may have for his Lawful Successors, were fail'd and extinct; as also, notwithstanding all the Laws and Customs of the Crown of *France*, which to the Exclusion of the Successors to that Crown, oppose themselves to the above-mention'd Exclusion, as well at present as for the time to come. Upon which Considerations join'd together, and every one in particular, their said Majesties abrogate whatever they contradict or impeach being contain'd in this Contract, and whatever may hinder the Accomplishment and Execution thereof, and that for the Approbation and Ratification of this present Capitulation they derogate from all things prejudicial to it, and hold them derogated.

Fr. K's Renunciation on the Marriage of the Infanta of Spain.

The Ratification of His Most Christian Majesty.

WE, with the Advice of the Queen, our thrice honor'd Lady and Mother, and our most beloved only Brother the Duke of *Anjou*, several Princes, Dukes, Peers, and Officers of our Crown, and other great and remarkable Personages of our Council, after we have caus'd the said Treaty to be read Word by Word, have agreed to it, approv'd and ratify'd, and do agree to it, approve and ratify it in all and every the Points and Articles, by these Presents sign'd with our Hand, promising upon the Faith and Word of a King, inviolably to fulfil, observe and hold, without ever going or coming

The Ratification of it.

in opposition to it, directly or indirectly, in any sort or manner whatever; abrogating to that end, as we do hereby abrogate all Laws, Customs and Disposals to the contrary; for such is our Pleasure. In witness whereof we have affix'd our Seal to these Presents. Given at *Tholouse* the 24th of *November*, in the Year of Grace 1659, and Seventeenth of our Reign. Sign'd *Lewis*; and below, by the King *Lomenie*.

The Act of Renunciation by the Infanta.

*Infanta's
Renuncia-
tion.*

THE Lady *Maria Theresa*, Infanta of both *Spains*, and by the Grace of God future Queen of *France*, eldest Daughter of the most High, most Excellent, and Potent Prince, Don *Philip IV.* by the same Grace Catholick King of both *Spains*, my Lord, and of the most High, most Excellent, Potent Princess, the Lady *Isabella*, Catholick Queen, who rests in Glory; By this Instrument and Act of Renunciation, and what is therein over and above contain'd, be it notorious and manifest, to those who have any knowledge of it, in any manner whatever it be, that by the second and fourth Article of the Treaty of my Marriage, promis'd with the most High, most Excellent, and most Potent Prince *Lewis XIV.* most Christian King of *France*, concluded in the Island call'd the *Ile of Pheasants*, in the River *Bidassoa*, within the Jurisdiction of the Province of *Guipuscoa*, and these Kingdoms with that of *France*, the 7th of *November*, of the last Year 1659. it was resolv'd and decreed, That the King my Lord, because, and in consideration of this Marriage, and to the end I shou'd carry along with me my Dowry, and my own proper Goods, should promise that he would give me 500000 Crowns in Sun-Gold, which should be paid and deliver'd at the Place, and within the Terms specify'd in the said Article, to the most Christian King, or to such Person as shou'd have his Power; and that after that, I should content my self and rest satisfy'd and desist from all Claims and Actions which belong'd, or might belong to me, either at present or for the future, to the Estates and Inheritance of the most Serene Queen the Lady *Isabella* my Mother, and to the future Succellion to the King my Lord, whom God have in his keeping, and to all that might belong or appertain to me as the Daughter and Heiress of their Catholick Majesties, and to their Right and Sovereignty, and to any other Title thought of, or not thought of, known or unknown, as well by the Paternal and Maternal Line, direct or collateral, mediate or immediate; and that being to solemnize the Marriage by present Promise, I must relinquish and renounce all my Rights and Actions to the King my Lord, or to the Person who shall represent him; and that it is his Majesty's Will and Pleasure, as is stipulated and declar'd more particularly by the said second and fourth Articles, which I have read and heard read several times, being to consent that this Act should be drawn up, and which I am willing shou'd be here inserted and set down Letter for Letter, and Word for Word.

The Seventeenth Article of Philip the Fourth's Will confirming this Renunciation.

17th Artic.
of Philip
the IVth's
Will.

FOR the fulfilling of these Treaties, the Infanta, Madam *Maria*, my Daughter, pass'd that Renunciation under a solemn Oath in the City of *Fontarabia*, June 2. 1660. countersign'd by Don *Ferdinand de Fonseca Ruiz de Contrera*, our Secretary of State and Notary Publick of these Kingdoms; and altho we hope that the said Infanta our Daughter, and the most Christian King her Husband, will fulfil and observe whatever is above-mention'd, and whatever is over and above contain'd in the said Treaty of Marriage, and in the Renunciation, to be an Obligation of Justice and Conscience; nevertheless, that we may by all the most direct ways secure the fulfilling of it in a Matter and in an Affair wherein consists the Peace and Repose of all *Christendom*, behaving our selves as we do in the quality of a Father, and natural Lord of all our Kingdoms, Estates and Demesnes, by virtue of that Sovereign Authority, which we in all due Right possess, to dispose, and for the greatest Benefit of our Subjects and the common Cause, to provide for their better Government, and to prevent the great Damages that may ensue from a Conjunction of the two Crowns, and their Dependencies, of our own proper Motion, certain Knowledge, and Royal and Absolute Power, of which it is our Pleasure to make use, and which we do make use of, with a notorious and entire Assurance of the

Example

Example of our Kingdoms and Dominions, by excluding the eldest Children and their Posterity, by reason, and because of Treaties of Peace and Marriage, and for other Considerations Us thereunto moving, we declare, That the most Serene Infanta, Madam *Maria Theresa*, our Daughter, and the Children which she shall have by this Marriage, Male or Female, and their Posterity, shall be and remain excluded: And so far as thro necessity we exclude them from all Right or Hope which they shall or may have in any Case whatever, that may happen to any of our Kingdoms, Estates and Dominions, forever and ever, as if they had never been born, We declare, That this Exclusion, and all that has been settled, and which we settle, in consideration of it, in the Person of the Infanta, Madam *Maria Theresa*, our Daughter, and her Posterity by this Marriage, Male or Female, ought to be so observ'd. And so far as there is a necessity for it, We will and command, that it be observ'd, fulfil'd and executed in the Person of the most Serene Queen, Madam *Ann*, our Sister, and her Posterity, in conformity to her Treaty before Marriage and the Renunciation; and what his Majesty Don *Philip III.* our Lord and Father settled by his said Law, and by his last Will above-recited, concerted and accorded between the two Crowns. And we approve it upon the same Conditions, and with the same Force as Laws ought to have, that are granted and made among Sovereign Princes, using their absolute Power. And we revoke, annul, derogate and abrogate all and every Law and Laws, Rights, Settlements and Customs, which may in any manner, whatever it were or may be, hinder this Exclusion, as if every one were express'd, that particular mention were made of it. We also declare, That if it shou'd so happen, which God forbid, that the most Serene Infanta shou'd come to be a Widow, without having any Issue by this Marriage, and that she shou'd return into *Spain*, for the convenience of the publick Good; or upon just Considerations, shou'd marry again with our Consent, or of the Prince our Son, after our decease: We ordain, and such is Our Will and Pleasure, That neither the said Exclusion nor Renunciation shall deprive her of any thing; but that she and the Children of the second Wedlock, provided it be not in *France*, may be capable of succeeding in the said Kingdoms, Estates, &c.

The Thirty Third Article of the Treaty of the Pyrenees.

AND to the end, that this Peace, Union, Confederacy and good Correspondence, may, as is desir'd, be so much the more firm, durable and indissoluble, the said two principal Ministers, the Cardinal Duke, and the Marquiss Count Duke, by virtue of the special Powers which they had for this End, from their two Lords and Kings, have agreed and concluded, in their Name, the Marriage of the most Christian King with the most Serene Infanta, the Lady *Mary Theresa*, eldest Daughter to the Catholick King; and the same day of the date of these Presents, have made and sign'd a particular Treaty, to which they refer, concerning the reciprocal Conditions of the said Marriage, and the Time of its Celebration: which separate Treaty, and the Capitulation of Marriage, are of the same Force and Vigor with the present Treaty of Peace, as being the principal and most worthy part of it, as well as the greatest and most precious Pledg of the Certainty of its Duration.

33d Artic.
of the Py-
renean
Treaty.

From all these solemn and authentick Acts we may easily see thro the Justice of the French Pretensions to the Succession of *Spain*: By these it is also evident that this Succession is, in the Opinion of the united Wisdom of the Spanish Nation, contrary to their Interest. There's no ground to alledg that it is chang'd, as to that Matter, since the making of this Treaty; for the Reasons on which these Renunciations are founded are permanent and durable, both in relation to *Europe*, and that particular Kingdom: The Precautions in their King's Will against admitting Foreigners into Offices of Trust and Council signify nothing; the whole Junto intrusted with the Administration is capable of being gain'd, and so much the more, that they have a Cardinal-Priest at their Head. There's none so likely to betray, or that have so frequently betray'd Kingdoms and States, as Men of that Order, when admitted to any share of Council or Action. It's the Interest of *Spain*, to endeavour as much as in them lies, to have their Government restor'd on the foot of these Treaties, to encourage the Pretensions of the Imperial Family in the most secret and polite Manner; and when any probable Attempts are made for asserting them, to exert their whole Strength, and shake off the French Yoke: they

they must otherwise resolve to become a Province of *France*, and in a little time to lose their Sovereignty, tho they may retain the Name of it. They have Instances enough in *Europe* to convince them of the danger of being so treated; but there's no need of looking any farther than their new *French* Masters: they have from time to time annex'd other Sovereignities to their Crown, by which they have aggrandiz'd themselves, and impoverish'd those Countries so united, the better to keep them under subjection. That this may not be their Fate, they must take special care, that the *English* and *Dutch* have not the use of their Ports deny'd them, and that the Traders of those Nations be not discourag'd by new Indulto's upon their Bullion, or Hindrance of their Woollen Manufactories, &c. on any pretence whatsoever: for as we cannot well drive a *Mediterranean* Trade without the use of the Harbours, and particularly of *Cadiz*; if once we be restrain'd in that, it will issue in their own Ruin, and deprive them of the only Friends that are capable to defend them in the Enjoyment of what Liberty they have left, or in the Recovery of what they have lost.

P O S T S C R I P T.

SINCE the Writing of this, the Scene of Affairs in the *North* is alter'd, by the defeat of the *Muscovites* before *Nerva*; which, if duly improv'd, may be of great Advantage to the House of *Austria*, and those that join them, to bring the *French* to reason. The *Northern* Crowns, being now deliver'd from an impending Storm, are at leisure, if they please, to assist his Imperial Majesty with a considerable Force by Sea; and as this may be of use to him, it will be one of the best Methods to prevent their falling out betwixt themselves: The Emperor has it in his Power, as they are Princes of the Empire, to give them such Incouragement as may readily induce them to it. In that case the King of *Poland*, by the Jealousies of his new Subjects, the Danger of losing his old ones, and Promises of Favour which the Emperor may grant him, will probably be forc'd to lay down his Arms, and so much the more readily, that his Enemies are Victorious. Nor wou'd it be improper to incourage the *Czar* to turn his Arms Eastward or Southerly, where his Laurels, that are wither'd by the *Northern* Frosts, may be reviv'd again by the Beams of the Sun. This wou'd be one effectual way to prevent new Troubles from the *Turks*, and give his Imperial Majesty a good Opportunity of obliging some other People to act more like Christians.

The Duke of Anjou's Succession further consider'd,

*As to the Danger that may arise from it to Europe
in general; but more particularly to England, and
the several Branches of our Trade.*

PART II.

The PREFACE.

THE Duke of Anjou's Succession is a Subject so copious, that it would afford Matter for large Volumes: It's as impossible to say all that may be said on this Occasion in a Pamphlet or two, as it is for one Pen to express all that might be proper.

It's hop'd this is Apology enough to such Gentlemen as may perhaps find something wanting that ought to have been said. The best way to supply that Defect is for others to communicate their Thoughts as I have done mine; for this Subject is no more to be exhausted by one Head, than the Controversy to be decided by one Sword.

I have endeavour'd in the following Sheets to lay before the Nation the Danger of our Trade in a more particular manner than I did in the First Part. That's an Argument, as it concerns us all, will have an Influence upon many to open their Purses, who for any thing else wou'd have kept them shut.

Our All is now at stake, and perhaps in as great danger as at any time since we were a Nation. It concerns us to be speedy in our Counsels, and vigorous in our Efforts; Delays in this Juncture may prove fatal; we have an Enemy to deal with of a fiery Temper, quick in Counsel, and ready in Dispatch; we have Provocation enough to rouse our Courage; and cause enough to be upon our Guard. It's the Concern of every Englishman to ingage his Representative to a more than ordinary Care in the approaching Parliament. They are sent thither to attend the Affairs of the Nation, which never stood in more need of wise and speedy Resolves than at present. May Heaven create a good Understanding betwixt his Majesty and Them, and direct to such Measures as may obviate our imminent Dangers.

The Duke of Anjou's Succession further consider'd, &c.

SINCE the writing of the Duke of Anjou's Succession consider'd, &c. the Interests and Power of France have made formidable Advances; and if we may be allow'd to make use of a Proverb fitted to the Season of the Year, seem to grow like a Snowball. The Truth of this is easily demonstrated by the following Instances.

Power of
France in-
creases on
the D. of
Anjou's
Succession

Spain manag'd by the Fr. K.

1. All Letters from beyond Sea agree, that those who compose the Regency of Spain, have devolv'd the most essential part of their Government upon the *French King*, and have thrown their whole Monarchy upon his Conduct and Protection. It's true, that he seems to decline it; he compliments the J unto for the extraordinary Trust they repose in him, and alledges he cannot accept their Offer, lest it shou'd increase the Jealousy of those who oppose his acquiescing in the late King of Spain's Will. But at the same time it is manifest, that he acts in relation to their Affairs as if they were his own, and makes no scruple that his Embassadors should tell it in all Courts of *Europe*, that the Death of the King of Spain hath reunited the Interests of that Monarchy with those of *France*. This is plain from the Harangues of his Embassadors to the Cantons of *Suisserland*, and the States of *Holland*. He does not think it in the least unbecoming his Modesty, that his Embassador to the *Suissers* shou'd negotiate the Affairs of *Spain* with that Republick, and anticipate the Endeavours of the *Spanish* Embassador on that Head, tho he be upon the spot. Nay, the *French* Embassador goes further, he makes bold to tell the Cantons what Instructions the Embassador of *Spain* is to have on that Subject, and offers his Master's Purse to defray the Charge of guarding the Passes into *Milan*; which is demonstration enough that the Government of *Spain* is and must be manag'd by the direction of *France*. It's in vain to object any thing against this, and indeed those that do are sufficiently discover'd to be such as converse only in the skirts of Affairs. But let the World say what they will, his most Christian Majesty can easily keep himself in countenance, by telling the Publick, That there's no Man so proper as himself to be Guardian to his Grandson. It is not new or uncommon for those intrusted with Pupils, to make advantage of them, their Minority renders a Governor necessary. And who knows but this may be one of the principal Reasons why the Grandson was pitch'd upon for the *Spanish* Succession, rather than the Son? As it wou'd have been more liable to the Exceptions of those, whose Interest it is not to suffer the Power of *France* to be too much aggrandiz'd, if the Dauphin had been made King of *Spain*; it would also have been less graceful in the Eyes of the World to have had a Prince of his Years under any other Government than his own. That would no ways have suted with his Title of *Lewis le Hardi*, which his Countrymen gave him at the Siege of *Philipsburgh*; for we must take notice by the way, that the *French* are now become as complaisant to their Princes, as ever were the most abject and servile *Pagans* or *Easterlings*: They make no scruple to pay them Divine Honours during their Lives, and are so good-natur'd as not to let them stay for their Apotheosis till the time of their Death.

Why the Grandson rather than the Son was advanc'd to the Crown of Spain.

A second Proof of the Growth of the *French* King's Power, and that *Spain* is wholly govern'd by him, is this, that the J unto have order'd all the Viceroy's and Governors of their several Dominions to submit to his Orders; and he hath acquainted them on the other hand, that he hath order'd all the Governors of his Countries and Towns frontiering upon the *Spanish* Dominions, to supply them with Men, Ammunition, and Money on occasion.

A third, and a very pregnant Proof of it, is this, that they have order'd their Embassadors at all Courts to act nothing without his Advice; which, with the other Instance just now mention'd, is a Demonstration that the J unto of *Spain* look upon the Interest of both Monarchies to be the same, and that therefore their Counsels and Forces ought to be united. This is an exact Compliance with the *French* King's Instructions to his Embassador at *Madrid*, which he order'd him to communicate to the Cardinal de *Pörtocarero*.

Pope's owning the D. of Anjou an Advantage to the Fr. King.

A fourth Evidence of the Growth of the *French* King's Interest is, the Pope's seeming to own the Duke of *Anjou's* Succession, and offering to join with other Princes of *Italy* to oppose the Emperor's Pretensions on *Milan*. What Influence this, and the Mediation of the See of *Rome* with other Popish Princes, may have, is not easy to be imagin'd; but all Men that know the World will readily agree, that it is one of the greatest Points which the *French* King could possibly have gain'd, and that there's nothing in Nature can have a greater Influence upon the bigotted *Spaniards*, or tend more to bring over such of them as are not well pleas'd with the Duke of *Anjou's* Succession.

A fifth Evidence of the growing Interest of *France*, is the King of *Portugal's* owning the Duke of *Anjou*. This secures all that side of *Europe* in the *French* Interest; so that he is at more liberty to oppose the Emperor and others every where else.

We may add, as a sixth Evidence, the owning the Duke of Anjou as King of Spain by the King of Denmark, the Duke of Brunswick-Wolfenbittel, the Bishop of Munster, and several Princes of Italy.

The Matter being thus, we have all imaginable ground to suspect, that if timely Preventions be not apply'd, the French King's Power will grow more and more every day: for those that don't love him, must be oblig'd to submit to him out of fear, as several have done already; and in process of time he will expect to have all the Potentates of Europe following his Triumphal Chariot.

The Thoughts of this might be born with more Patience, were we to expect to be better'd by his Conquests, as many of those Countries were which the Romans subdu'd: But instead of that we must look for nothing from the Success of his Arms, but Popery, Slavery and Poverty, the greatest Mischiefs that can befall Men on this side of Time, and which have a direct tendency to make them miserable to all Eternity.

That this is like to be the Fate of Christendom, if proper and speedy Measures be not taken to bring France to Reason, can no ways seem improbable to those that know any thing of History. Europe was like to have undergone the same Destiny by the House of Austria in the Reign of Queen Elizabeth, had not God given that glorious Prince's able and honest Counsellors, and Wisdom to follow their Advice. The French, as we said before, are more formidable now than the Austrians were at that time. Lewis XIV. hath been as successful as any that ever follow'd the same measures since Nimrod. What is it then that the World has not to fear from the vast Treasures of the Indies, and such a formidable Power in Europe under the Conduct of that Prince? We must expect to have those Treasures manag'd at another rate than they have been at any time since the Reign of Philip IV. They fall now to the share of a Monarch, who as he has need of them, knows very well how to make use of them.

Christendom must submit to the Fr. K. if not speedily brought to Reason.

He is a Prince of such Observation and Prudence, as to mark the former Errors in the Spanish Government, and will certainly take care to avoid them. He knows so much of Trade, and of his Interest to encourage it, that we may be sure he will improve the Treasures of America, by erecting Manufactures, and encouraging useful Arts and Sciences, and not suffer his People to consume their Strength and Substance by Idleness, as the Spaniards have done under their lame Administration for almost fourscore Years.

Fr. K. will avoid the Errors of the Spanish Government.

This being the Case, there's no likelihood of the French King's wanting Troops; and now being Master of the original Fountain of Money, he seems to be in no danger of wanting wherewith to pay them. The warlike Temper of his Subjects is well enough known already, nor is there any ground to doubt of their advancing in it, since the Sinews of War are increas'd.

This deserves our more serious regard, because that as his Riches and Power increase, ours must decrease in the same proportion. This will appear more plain, if we consider what Influence the Conjunction of the two Monarchies is like to have upon the several Branches of our Trade: And,

Our Riches must decrease as the French increase.

1. Upon that with Spain, both as to Import and Export. This is known to be one of the most considerable Branches of our Trade; and being most liable to immediate Danger, it deserves our more immediate Care. The Spanish Wool is necessary to the working up of our fine Cloth, of which it's computed we may make annually 19034 Pieces, and that we export every year 9034; and considering that our Woollen Manufactory is one of the chief Fountains of our intrinick Wealth, it would be a very dangerous Blow to that Manufacture, if the French should hinder the Importation of Spanish Wool into England; and that they are like enough to do so, we have ground to believe from the following Reasons.

Influence of the Union will have on the several Branches of our Trade. 1. As to Import and Export with Spain.

(1.) That notwithstanding the Peace, the French and we are still at difference as to the point of Trade, there is no Tariff betwixt us and them upon that Head, as there is betwixt them and Holland; and therefore we have reason to suspect that they may endeavour the Interruption of our Trade with Spain, out of revenge for the Impossibility we have laid upon Trade with France.

France will hinder the Exportation of Spanish Wool.

(2.) It's well enough known that the French have been endeavouring to set up a Woollen Manufactory of their own, and to have all Materials for Dying, &c. of their native Product, in order to rival our Trade to Turkey and the Straits; and therefore there's no reason to doubt but they will for that end engross to themselves the Spanish Wool for working up their fine Cloth, in order to make it the more acceptable; which, considering their own Harbours in the Mediterranean, besides

besides the *Spanish* Harbours that are now at their Command, they will be able to carry cheaper than we can do; and that they can sail and victual cheaper, there's no body will offer to controvert.

(3.) By the same Argument it is evident, that they may aim at serving the *Spaniards* with Woollen Manufactures cheaper than we can do, or bring them into the humour of wearing their slight Stuffs; which, considering the warmth of the *Spanish* Climate, and the growing Inclination amongst them of conforming themselves to the *French* Garb, may be of very ill Consequence to our Trade of Export into *Spain*. The Consequence of this will be very fatal, not only to our *Spanish* Trade, but to that of the *East-Indies*. This our Merchants know well enough; for by sending our Woollen Manufactures, &c. to *Spain*, and crediting the *Spaniards* with them to the *West-Indies*, &c. we have our great Returns of Bullion, as the Product of our Commodities: And if this Fountain of Mony be once stop'd up, as the *French* will certainly endeavour to have it, we must either export our own Mony, which will speedily ruin us, or drop the *East-India* and other Trades that require ready Mony, and by this means lose our Honour and Wealth both at once.

Obj. The *French* have no occasion for *Spanish* Wines.

Ans. w.

The chief Objection to be made to this is, that the *French* have no occasion for the *Spanish* Wines, which we buy in return for our own Commodities. To this we may answer, 1. That the *French* who are now Masters of *Spain*, will not so much consider the Interest of the *Spaniards* as the Interest of *France*: And it is certainly the necessary Consequence of the *French* Politicks to bring that Monarchy still lower, in order to ascertain its Subjection.

They will reduce their Power to confirm their Subjection.

The Duke of *Roban*, in his Treatise of War, hath laid it down as one of the best Methods for assuring a Conquest, to deprive those that are conquer'd of the Inclination and Power to revolt. This seems no way difficult to be effected in relation to *Spain*: Their Power hath been so long under decay, that the *French*, who have now conquer'd them by their Priests and Pensioners, will easily crush it; and for their Inclinations, they may soon subdue them by flattering their Pride and Bigotry, as I mention'd before. They have an obvious Method to effect this, by assuring the Clergy of their Concurrence to destroy the Reformation, by giving their *Grande*es Places of Honour and Profit, and by a mutual Transplantation of some great Men by turns. The latter is in part begun as to the *French* already: The Duke of *Harcourt* is admitted into one of the chief Trusts of *Spain*, as the third Person in their Regency, where he must not only know, but have likewise a considerable Influence upon all their Springs of Counsel and Action, which there's no doubt he will improve to the Advantage of *France*. And as this is an early Breach upon the Will of their late King, who (*Art. 33d*) order'd that each of his Kingdoms should be govern'd by Natives, without any Innovation, because of the great Inconveniences that had been found by doing the contrary; there's cause enough to suspect that it will be follow'd by other Infractions of the same nature.

French Governors, &c. will be impos'd on the *Spaniards*.

The *French* cannot want Pretensions for doing thus, especially in case of a War, when their Troops and Squadrons will be necessary to maintain the Duke of *Anjou* in possession. They will think this a justifiable occasion for putting *French* Governors and Troops in the *Spanish* Frontier Towns and Sea-ports. Their Generals must assist at all Councils of War in the Court and Camp; and by what the *French* have hitherto discover'd of their Temper and Genius, the World has no reason to think that they will be more modest than other Auxiliaries use to be in the like Cases: they will certainly plead a Right to continue their Possession till their Charges be reimburs'd; and that the *Spaniards* are incapable either to pay or dislodge them, he must have very little knowledge of things who will offer to dispute. The *Spaniards* are so sensible of this themselves, that we find them already prepar'd to save their Honour as much as they can, and think it better to put the *French* King in possession by a voluntary Surrender, than to be forc'd to it by military Execution. As a frank Submission is the properest Method to avoid being torn in pieces by a powerful Enemy, it seems likewise to be the most probable Means to work on their Compassion and Generosity; and therefore the *Spaniards* finding themselves abandon'd, and their Dominions threatned to be divided, have thrown themselves into the Arms of a Prince, who being the most capable and most likely of any to annoy them, they hope he may by this means be a little softned, and by consequence prevail'd upon to make their Chains less weighty. It is not indeed altogether excusable, much less reducible to the antient Standard of Roman Virtue, that Great Men should fall in with the Enemies of their Country, provided they be secur'd in a share

a share of its Spoils; yet when they perceive its Ruin to be scarce avoidable, and consider that they have as good a Right to it as Ambitious Neighbours or Foreign Enemies, the Practice of most Courts now adays seems to grant 'em an Indulgence. This will facilitate the Transplantation of Spanish Grandees, as formerly mention'd, in order to secure the French Possession. The richest of 'em may be sent on Foreign Embassies, the poorest may be employ'd in remote Governments, Civil or Military, in their own Dominions; and all of them, by the late free-will Offering of the Spanish Regency, must be accountable to *France* for their Administration. What handle the French may make of this is scarcely conceivable; but so much is obvious, that they must be very Dotards in Politicks, if they don't improve it to bring all the Spaniards to offer Incense at their Altars, to depend upon them for their Honours and Preferments, and by consequence to be rendred incapable of caballing together against their Interest.

To return to the Objection, that the French are not like to outrival us in the Trade of *Spain*, because they have no need of their Wines; it may be answer'd in the 2d place, That this does not hinder but the French may be both Merchants and Carriers for the Wines of *Spain*, and sell it to us and others who have occasion for it. There's a Precedent of the like nature as to the Herrings and other Salt-fish of *Scotland*; the French refuse to deal with the Scots for them, because of the English Imposts upon French Commodities, but buy them from the Dutch at a dearer Rate than they were offer'd by the Scots. The French then may propose to the Spaniards to export the like Quantity of their Commodities as the English did, provided they discharge our Commerce; and if this should be the Case, the Spaniards must not refuse it.

The 2d Branch of our Trade, which the French by their Union with *Spain* may England by this Succession may lose its Mediterranean Trade. deprive us of, is that to the *Mediterranean* and *Levant* in general. This they may easily effect by denying us the Road and Harbour of *Cadiz*, and posting a Squadron of Men of War there to keep us out. By this means we shall have no place to lie in for a proper Wind to carry us up the *Straits*. But supposing, that it were possible for us to order it so as not to need that Harbour and Road, it is in the Power of *France* and *Spain* to make the *Straits* unpassable for us or any other Nation, without their Leave, and paying a Toll. This is demonstrable enough to those who consider the situation of *Gibraltar* and *Ceuta*, how narrow the *Straits* are there, and how easily Forts may be rais'd on both sides, and Frigats lodg'd there to interrupt the Passage of Shipping. Who knows but the French King may revive *Oliver's* Project of reducing the *Peninsula* of *Gibraltar* into a perfect Island? This is much short of many Works which *Lewis XIV.* hath undertaken and perform'd out of mere Humour and Ostentation; and if he should effect this, as 'twould be a certain Method to prevent our passing the *Straits* without his leave, it would prove a severe Curb in the Jaws of the Spaniards, if ever they recover so much Wisdom or Ability as to reassert their true Interests. Or if neither of these would do, Experience hath taught us that several Kings of *France* have thought it no way inconsistent with their Title of *Most Christian*, to unite the Cross and the Crescent in the honourable Design of enslaving Christendom; nor have some of them thought it unbecoming a deified or immortal Man to stoop to mean Treaties with the Mahometan Pirates of *Barbary*: and therefore we have no reason to think it would be any way scrupl'd at present, to engage the Corsairs to give their Assistance in ruining our Trade to the *Straits*. The Terror of the Spanish Garisons on the Coast of *Africa*, mann'd with French Troops, and assisted by French Ships, would soon oblige them to things that they have less inclination to than this. Or if all these Methods should fail, which is next to impossible, there is another still in reserve, and that is, to engage the Turks in a Treaty to discharge our Manufactures. On this condition the French will undertake to furnish them cheaper, which by the assistance of the Spanish Wool, &c. as has been already said, they may easily do; and as a further and principal Inducement, the French King will promise a powerful Diversion to the Empire, in order to give the Turks an opportunity of recovering what they have lost in *Hungary*, &c. We have no reason to fear any Scruples from the Turks, on the Topicks of Honour and Conscience; for the Grand Senior's Casuists may not only plead a distinction betwixt the Design and the Terms of the Treaty, as those of the French King do, but they have likewise the Mahometan Law on their side, which positively forbids the Surrender of any thing they have conquer'd: so that this is one thing among others, wherein it's better to be a Turk than a Romish Christian.

From all this it is very evident, that 'tis in the Power of *France* and *Spain*, whilst thus conjoin'd, intirely to ruin our Trade to *Turkey* and the *Straits*, which hath been of so much Honour and Advantage to *England*. In order to prevent this, and the Ruin of our Trade to *Spain*, as it would seem necessary to make use of early and forcible Preventions, by Alliances abroad, and vigorous Attempts by Sea; it seems to be no less our Interest to take more effectual Methods to prevent the Exportation of our Wool to *France* than have hitherto been sals upon. It is not enough for this End to erect new Employments to be confer'd by this or the other Person upon their Dependents and Friends; but care ought to be taken to have such Posts filled with Men that are thorowly well-affected to the English Constitution, and have rather given Proofs of it by suffering for their Country when 'twas oppress'd, than by fawning upon a Government which they found it not safe to oppose; such Persons are always sure to swim with the Stream, they are liable to Corruption and Bribery by Foreign Enemies, as well as Domestick Oppressors: And how dangerous that may be in such a bribing Age as this, we may easily conjecture. Men of that Kidney, as they have concur'd with our Enemies in undermining our Trade, have been the ordinary Channels of their traitorous Correspondence; and therefore those Posts, tho not very great in themselves, ought not to be prostituted to particular Favour or Interest, but dispos'd of solely for the Publick Advantage, and perhaps by a more Publick Authority than they have been hitherto.

How to prevent the Ruin of our Turkey Trade, &c.

Our American Trade endanger'd. A third Branch of our Trade, and which merits our deepest Consideration, is that to our *American* Plantations: The Consequence of that Commerce, and the vast Advantage, as well as Honour, that accrues thence to the English Nation, is so well known, that the sole mention of its being in danger, ought to awaken our most serious Thoughts, and put us upon the most vigorous Efforts to prevent it. It's very well known how much this Nation was alarm'd by the Scots Act of Parliament, and their Settlement in the *West-Indies*. What is it then we ought not to dread as to our Trade thither, from the united Powers of *France* and *Spain*? Since both of them, when divided, were our Enemies and Rivals on that account, their Union will certainly heighten their Resolution, because they have more Power to execute what they resolve. The Treaty of Commerce between us and *Spain*, will prove but a feeble Defence against the new French Mode of Argumentation. The refin'd Distinction between the Terms and the Design of a Treaty, is like to become of as great use to the Roman-Catholick Princes, as the Doctrine of Probable Opinions and Philosophical Sin hath been to their Priests; and as there can scarcely be any Crime so black but what the latter may palliate, there's no breach of Treaty so foul but what the former may excuse.

The French will infligate the Spaniards against us because of the Partition.

But if that will not do, there's another Method for which the World is likewise oblig'd to French Gratitude and Ingenuity, and that is to accuse and make us odious to the Spaniards for the *Treaty of Partition*, tho the same was form'd by French Infatigation. They have already libel'd us in their *Manifesto* to the Dutch, as offering to dispose of Kingdoms and Provinces which we had no right to. The plain meaning of which is, that they charge the Treaters as being guilty of the greatest Injustice that ever Nations were; they libel them as imposing Sovereigns upon People without their own Consent, and disposing of Kingdoms and Provinces, of Men, as if they were brute Beasts or wandering Herds, that have no Right to dispose of themselves, nor no Master to claim any Property in them. They have likewise charg'd us with destroying the Ballance of Christendom, by making such a considerable Addition of Dominions and Strength to the Power of *France*, which is but too formidable already. This is a direct Arraignment of the Treaters at the Bar of all *Europe*, as having entred into a Conspiracy against their Common Liberty. Nor have they forgotten to accuse the Treaters to the People of *England* and *Holland*, as having thereby endanger'd their Trade to the *Mediterranean*. They charge them likewise to their own Subjects with another Criminal Omission, which is, that they stipulated nothing for themselves: The plain English of this is, that tho the Treaters were oblig'd, in order to perform the Treaty, to make use of the Blood and Treasure of their Subjects, yet they have so little regard to them, that they stipulated nothing, either for their Liberty, Trade, or Religion, or for their Protestant Brethren any where else.

But this is not all, they further charge the Treaters with Imprudence and Folly, in taking such Measures as were no ways proper for accomplishing the design'd End. It's own'd in the *Memorial*, that the Design of the Treaters was to preserve the Peace

Peace of *Europe*; but at the same time the *French* say, that the keeping to that Treaty now, would be productive of infinite Troubles and Misfortunes common to all. There cannot be a greater Impeachment of the Wisdom of the other Treaties than this, which certainly they have all the reason in the World to resent; and so much the more, that's the common Frailty of Mankind, that they had rather be accounted wicked than weak.

Since the *French* have been so ungrateful and malicious in their Charge already, ^{And for breaking the Pyrenean Treaty.} we have no reason to question but they are capable of making further Advances, and that they will likewise endeavor to render us odious to the *Spaniards*, as having readily concurr'd to break the Treaty of the *Pyrenees*, by which the *French* Line was excluded for ever from the *Spanish* Succession; and that we were more careful to have *Spain* made less than to prevent *France's* being made greater. Nor are we to doubt but they will make the like odious Improvement of it at the Court of *Vienna*; and not only charge us with Ingratitude to abandon our Allies in the late War, by the Treaty of Partition, but likewise with unfaithfulness to our own Principles, by concurring in a Treaty to break that of the *Pyrenees*, which was so solemn, and wherein the Name of God was invoc'd. This they will readily improve to the Disadvantage of the Religion which we profess, and endeavor to make the Reformation more hateful upon that Account, to those who are already its declar'd Enemies. It's true, we may recriminate upon them, and charge them, not only as Partners, but also as the principal Authors of that now so much decry'd Treaty. We might likewise charge them with following in this, the Example of the God of this World, who accuses Mankind for those very Crimes which he tempts them to commit: But this perhaps they will look upon as no great Imputation, since it's so common for those who are, or would be absolute Monarchs, rather to follow the Dictates of that wicked Spirit, than the Commands of the great God of Heaven and Earth. Besides, the *French* have several other things to keep them in Countenance against that, or a yet heavier Charge. They plead the Non-performance of that Treaty on the part of *Spain*, and their natural Right to the Succession; or if that will not do, they are certain of Popish Absolution, which in their opinion makes him that's a notorious Criminal to day, as innocent as the Child unborn to morrow. Nay further, if it be but design'd for the Service of Holy Catholick Church, as no question they will pretend it to be, that's enough to transform the blackest Crime into the brightest Merit. I have neither room nor time, nor will I presume to defend the other Parties to the Treaty of Partition, they are able to employ much better Advocates if they find it needful: but thus much may be fairly advanc'd, that the *French* have made War upon their Neighbours on far less Provocation; and if *England* and *Holland* should think it proper to make them answer at the Sword's Point for the Dishonor they have done them by engaging them in a Treaty which they never design'd to perform, no Man could blame them for it: but there's no occasion for making that the sole Cause, if they find it their Interest to enter into a War. They need do no more but turn the *French* Argument upon themselves, and tell them, that since *Lewis XIV.* hath disown'd the Treaty of Partition to be the proper Means for continuing the Peace of *Europe*, they on the other hand don't think the Union of *France* and *Spain* to be the proper Means for that End; wherein we may adventure to say, they will have most of *Christendom* beside of their Sentiments: and therefore they demand a new Security for the Ballance of *Europe*, or tell the *French* that they must take proper Measures to secure themselves and others from being swallow'd up by those two Crowns. If they should do thus, and press the *French* to keep to the design of the Treaty, since they have disapprov'd of the Terms, with what face could they deny it? They must not take upon them to be both Judge and Party in their own Cause; and if it be refer'd to any indifferent Judge, we may easily guess at the Decision.

But to return to the Danger of our *West-India* Trade. The *French* being united ^{France united with Spain will find Pretences to annoy our Plantations.} with the *Spaniards*, or rather having them under Command, will certainly find Pretences enough to annoy us in the *West-Indies*. They have now a Right to take the *Spanish* Plantations into their Protection, and under that Pretence may renew the Pretensions of the *Spaniards* to the Right of the Discovery of the whole, or at least settle themselves on *Mississipi* River, or any where else, from whence they can best annoy our Northern Plantations of *New York*, *Jersey*, *Carolina*, *Maryland*, *New England*, &c. the Trade of which they may destroy that way by their Commerce with *Canada*; and by interrupting the Trade of those Northern Plantations with our Southern Colonies, they bid fair for destroying them both. Of what mischievous

Consequence that would be to the Nation, cannot easily be imagin'd, tho it may in part be gueß'd at, if we consider, that according to the Computations of those who have made it their Business to inquire into the state of our Trade, as Dr. *Davenant* in particular, our annual Export to *America* is calculated to be about 350000 *l. per ann.* and our National Gain by that Trade is computed at 600000 *l. per ann.* Or if we suppose, as it is concluded by some, that there are employ'd by the *English* in *America* 100000 Negroes, and that the Product of the Labor of every 100 Negroes be, according to the common Valuation, estimated at 1600 *l. per ann.* *England* gains by that alone 1600000 *l. per ann.* which, be it more or less, is sufficient to shew that the destruction of our Plantations, or the depriving us of their Trade, if the *French* and *Spaniards* should conquer them, would be such a Loss to *England*, as could neither be computed nor retriev'd.

And destroy
the Country-
men there.

But besides the loss of our Trade, what a melancholy Subject of Reflection would it be to consider that 200000 of our Native Brethren, or their Descendants in *America*, should be either destroy'd by the *French* and *Spaniards*, or forc'd to apostatize to the *Roman* Idolatry? What an Enlargement would this be to the Popish Interest, and how fatal to the Reformation? But since this Thought can only find room in the Breasts of those who have a due concern for Religion, let us take it by another handle, and consider what Loss and Grief it would be to the People of this Nation, to have so many Friends and Relations as they have in those Countries, either put to the Sword by the common Enemy, or condemn'd to their Mines, and other intolerable Slavery. There's no reason to expect that the *French* and *Spaniards*, who are equally influenc'd with the bloody and barbarous Principles of the Church of *Rome*, would deal more favorably with Protestants, than the *Spaniards* did with the Natives of *America* when they first settl'd there.

And hinder
our Trade
with for-
eign Na-
tions.

There's yet another Consideration which may perhaps meet with those that have but little regard to their Countrymen or Religion in *America*, and is thus: How is it possible that the People of *England* could dispense with the annual Import of the Commodities we have from those Countries, as Tobacco, Sugar, Cotton, Ginger, *Jamaica* Pepper, Fustick-Wood, Logwood, Indigo, Cocoa, Pipestaves, Masts, Furs, Fish from *Newfoundland*, &c. when we should not only lose what of those things are necessary for our own Consumption, but lose the Gain we have by the export of our own native Product, for which we have these Commodities in return; and when we should likewise be depriv'd of the Gain we have by exporting into other Countries of *Europe* what we have no occasion for our selves? This would not only be a hardship upon those who live in Affluence, not to say Luxury, but the Ruin of many thousand Families that have their Subsistence by preparing our own Commodities which are exported for carrying on that Trade, or by their dépendance upon the Shipping employ'd in that Commerce.

Our Fears
on this Ac-
count rati-
onal.

If any Man should object, That we magnify the danger, and look at every thing thro a multiplying Glass; let them weigh the Matter duly in their own Thoughts, and they will find that these Apprehensions are not the Effects of a high-wrought Melancholy, but the result of rational Fears. It's known by experience how much the *French* have injur'd us already in our Trade to *Newfoundland* and *Hudsons Bay*. The Earl of *Bellomont*, in several of his late Speeches to the Representatives of our *Northern* Plantations, hath demonstratd the danger they are in from the *French* Colonies, and their Practices with the neighboring *Indians*. And therefore considering the great Strength of the *French* at Sea, and their Opportunity of improving it by their Union with the *Spaniards*, and the Treasure of *America*, our Fears are but too well grounded: and if timely and effectual Care be not taken to prevent their Designs, what we fear is like to come too speedily upon us.

African
Trade will
be rendered
precarious.

The next Branch of our Trade we shall consider, is that to *Africa*. That part of it on the side of the Straits, as has been demonstratd already, is intirely at the Mercy of the *French* and *Spaniards*; and for that on the side of the *Atlantick*, or beyond the Tropic of *Cancer* and the Equinoctial Line, they did us considerable Damage during the late Wars, by destroying our Forts and Colonies. It must be own'd then as evident, that they are more capable of doing us Damage in that Trade at present by their Union with the *Spaniards*, not only because of their united Naval Force to disturb us in that Commerce, but likewise as to the Slave-Trade, wherein they may easily prevail with the *Spaniards* to buy no Slaves from us, on condition that they will furnish them cheaper; which at first may be the Pretence, and then no doubt they will afterwards make their own Markets with the *Spaniards*, and by that means stop up that other Source of our Bullion from the *West-Indies*, and the Benefit we have of improving it at *Jamaica*, &c. and importing from thence

the Product of those Places to *England*, which not only furnishes Materials for our own Consumption, but for a foreign Trade. And besides this Damage, they will ruin our Commerce in Elephants Teeth and Gold Dust, which not only deprives us of the Advantage we have by the Freight and Sale of the Commodities we export and import by means of that Commerce, but will be further a stop to our Coinage and the Circulation of Money amongst us. And in the last place, being Masters at Sea, they will prevent our *African Company's* serving *Jamaica* and our other Plantations with Slaves, whose Labour in the *West-Indies* is the principal Part of our Riches; and by that Means alone they may ruin those valuable Plantations.

We shall next consider the Influence this Union may have on our *East-India Trade*. It was hinted before, That the *French* by such an Accession of Strength will be more capable of disturbing us as we go and come; that they seem to have a fair Prospect of depriving us of our ready Money, without which it cannot be carry'd on; that if they either subdue the *Dutch*, or bring them to a Treaty on their own Terms, which without our assisting the *Dutch* is very possible, both their Factories will combine to destroy ours in the *East-Indies*. To this may be added, that by rendering themselves Masters of the Coast of *Africa*, on the *Atlantick*, &c. they deprive us of all Places of Retreat or Refreshment at the *Cape of Good Hope*, or any where else. They may either give Commissions to the Pirates of *Madagascar* to disturb us in our Voyages, or lodg Ships of their own there for that end. By their Interest with the Great *Mogul*, and other *Eastern* Potentates, which in such a Case must needs overbalance ours, they may procure a discharge of our Commerce in those Parts; and by their Increase of Power in the narrow Seas, they may prevent our Exportation of those Commodities into other parts of *Europe*, if we should be so happy as to bring our Cargo safe home.

And our
East-India
Trade.

How fatal this would be to *England*, is very discernable, if we consider, 1. That our Shipping, Stock and Men employ'd that way, must lie by as uselefs; and by consequence we lose all the Gain the Nation had by this Trade: and that it is very considerable, appears by the following Calculations made by Dr. Davenant. Our annual Exports thither in Bullion and Goods, he computes at 500000 l. per ann.

The Returns	1800000
Consum'd at home	1300000
Re-exported to <i>Europe</i>	500000
Gain'd by that Export	180000

Which will
be fatal to
England.

To which if we add what he says (in his *Discourse on the East-India Trade*) we save by lowering the Price of foreign Silks and Linens, and in the Consumption of our home Materials, which these Goods supply, and whereby our Exportation is enlarg'd, we gain'd and sav'd annually by that Trade 680000 l.

From which it is likewise evident, that by the loss of our *East-India Trade*, we lose also a great part of our *European Trade*, both as Merchants and Carriers. We lose also the Benefit of Salt Petre for making Powder in order to defend our selves; which is so much the more considerable, that this Loss can be no other way made up to us. And therefore if the *French* by conquering the *Dutch*, or bringing them to a Treaty upon their own Terms, ingross this Commodity, by being Masters of the Trade to the *East-Indies*, they disarm all the rest of *Europe*, and may easily set up that Universal Monarchy, which they have so long, so industriously, and so ambitiously sought after. And by the loss of our foreign Trade in general, we decrease in our Shipping and Seamen, which make so great a part of our Strength.

And being
lost, we
must lose
great part
of our Eu-
ropean
Trade;

We come in the last place to consider our *European Trade* in general. By what has been said already, it is evident that a great part of it depends upon our Trade to the *East* and *West-Indies*, which once being ruin'd, our *European Trade* must fall; or if it should not, the *French* being Masters at Sea, and united with *Spain*, we cannot carry it on. By that unhappy Union, our Trade with *Spain*, the Straits and the *Levant*, which is the best of our Trade in *Europe*, is in visible and eminent danger. If once the *French* become Masters of *Holland*, our Trade to *Germany* and the *East* Country will be totally ruin'd; and as it is, the use of the Harbours of *Newport* and *Ostend*, join'd to those of *Dunkirk*, *Gravelin* and *Calais*, does very much endanger it, and will have a particular Influence upon our Woollen Manufacture, which has a great Vent that way.

Which is
endangered
by the Uni-
on of France
to Spain.

The Wool of *England* is computed to make annually two Millions; when manufactur'd, it's suppos'd it may amount to eight Millions. Of these Manufactures it's reckon'd there may be exported every year two Millions; for which if we allow

Export of
our Woollen
Manufac-
ture will
but be stop'd.

but 10 per Cent. for Freight and Returns, it amounts to 200000*l.* gain annually to the Nation. By this it appears how prejudicial a Stop to the Export of our Woollen Manufactory would be to the Kingdom, and how many Families that depend upon it must be utterly destroy'd.

And our
Fishing-
Trade.

As to our Fishing-Trade, which is already so much ingross'd by the *Dutch* and *French*, we must expect to have it totally ruin'd, if a stop be not speedily put to the Growth of *France*. The *Dutch* have already made themselves so much Masters of that Trade, that they will scarcely allow us to fish in our own Seas; and when once they come to be subdu'd by *France*, or to join with her, we cannot set out a Fisher-boat but what will be in danger of falling into their hands, as was evident from the trouble the *Dunkirkers* gave our poor Mackrel-Boats during the late War.

To sum up this Matter of foreign Trade in a few words: The Profit we reap by it is computed at two Millions *per annum*, and so much we are in danger of losing by the exorbitant Greatness of *France*.

England in
danger to
be invaded
at home.

It were still some Comfort if our Danger were to terminate here; but there's no Man of Sense can suppose it does, for we are not only in danger of being outed of all our Trade abroad, but of being invaded at home. The *French* and *Spaniards* are sensible that 'twas we who render'd their Designs for the Universal Monarchy abortive, when they successively attempted it; they are no less sensible, that so long as we remain intire, they cannot easily succeed in it, tho' their Counsels and Forces be united. To this we may add their Hatred to us on the account of our Religion, and their Obligation to restore our Abdicated Prince and his Issue; or perhaps their Inclination rather to settle a *French* Prince upon our Throne, make us feudatary to *France*, and impoverish us so, that we shall be in no condition henceforward to disturb them in the Prosecution of their Designs to establish an Universal Monarchy, and to root out that which they call the *Northern Heresy*.

Wherein
our Safety
lies.

The Case being thus, and our Danger so great and near at hand, it remains that we should consider what may be attempted with most probability, to save us from the impending Storm.

Chiefly in a
good Fleet.

It follows plainly, from the Prospect and Nature of our Danger, that our chief Security must, under the Divine Protection, consist in a good Fleet; that is to say, such an one as may enable us to defend our own Coasts from Invasions, to protect our Foreign Trade, and to annoy the publick Enemy, either in their own Countries, or Foreign Plantations, on occasion. For this we are already very well provided, having at least 179 Men of War; to which if we add the *Dutch* Naval Force, as it is in our power to do by a strict Alliance, there's nothing, humanely speaking, that we have reason to fear, provided those Fleets be well man'd and victuall'd, and commanded by such as are known to be Men of Integrity and Honour.

In order to this, it's highly reasonable that our Parliament, who are intrusted with the Disposal of our Purfes, should assist his Majesty with their best Advice, as being at one and the same time his Majesty's Great Council, and the Peoples Representative. This gives them a great and undoubted Concern to advise who are fit to be intrusted with the Nation's Defence, who are proper to have the Disposal of their Mony, and to take care that none be employ'd in those weighty Affairs but Men of publick Spirits, who will be more intent upon preserving our Honour and Trade, than upon raising Estates to themselves out of the publick Mony. This is a thing that ought at all times to be carefully regarded, but especially at such a juncture as this, when we are just come out of a tedious and expensive War, and like to be forc'd into another, except we have a mind to look on and see all *Europe* enslav'd; by which we shall entitle our selves to the heaviest Chains at last, without either Pity or Compassion.

The Happi-
ness of Eng-
land.

It's the Happiness of our Constitution, that we cannot be tax'd without our own Consent, as are most other Monarchies in *Europe*; and we are further happy in a Sovereign, who hath, contrary to the manner of some of his Predecessors, always testify'd his Willingness that they who grant the Mony, should also appoint Inspectors into the publick Accounts; so that if any Mismanagement happen in that matter, we must blame our selves. As this affords a good Opportunity for publick Spirits to appear for the Interest of their Country, it's high time they should. 'Twould be meritorious for Men of Honour and Estate, to serve the Nation in such publick Employments on such a pressing Occasion, either for no Salary at all, or at least for no more than would just bear their Expences. The Frugality of our Neighbours the *Dutch*, in their Allowances for publick Service, is one of their best Preservatives against Corruption and Bribery: Their Salaries are

not Temptation enough for Men of covetous Tempers to court their State-Employments, by which means they are generally confer'd upon Men of Virtue, Merit and Substance, who serve their Country for Honour, and are not easily bought off from its Interests. It was a just Observation of a *Spanish* Minister at their first Revolt, that they wou'd ruin his Master by their Frugality; and since the Event hath verifi'd the Prophecy, their Example in this matter is well worth our Imitation.

Tho our chief Security consists in a good Fleet, yet this must not dispense with our want of a competent Land-Force, lest we become too great a Temptation to Enemies abroad, and Malecontents at home: but since the Liberties of *France* and *Denmark* were both swallow'd up by Standing Armies, and that our own Constitution of King and Parliament was quite subverted by *Oliver* and the Army under his Command, the Jealousies of the Nation against Standing Troops ought not to be despis'd no more than they are to be fomented. As there's a due regard to be had to the Danger that threatens us from abroad, a proportionable Care ought to be taken to prevent Jealousies against a Standing Army at home. This, it's humbly conceiv'd, may easily be provided against by the mutual Concurrence of King and Parliament in such Regulations, as to the Command and Number of those Troops, as in their joint Wisdom shall be found meet.

Tho there be no Danger as to that Matter from his Majesty, that is not sufficient Security to the Nation: *Oliver*, who was only a Lieutenant-General, manag'd his Army so, that they wou'd neither obey King, Parliament, nor General, but took upon them the Legislative Power of the Nation; stop'd and forwarded such Acts as they thought meet, laid the Country under Contribution, and gave some of their common Troopers, call'd Agitators, more Authority than they would allow the House of Commons. They proceeded so far at last, as intirely to subvert our Constitution; cut off the King, turn'd the Parliament out of doors, and at length, to the great Happiness of the Nation, concluded in a perfect Anarchy, which terminated in the Ruin and Dissolution of themselves: whereas, had they agreed upon any certain Head, or continu'd firm to any Model of Government, they might in all probability have kept us under Subjection to a Military Power to this very day. We have no certainty of his Majesty's or the Princess's Life; we know not who is to succeed them, and therefore are the more in danger by a Standing Army in case of their Demise. There is no Security to be given us, that mercenary Troops, under the Command of ambitious and politick Leaders, will not in such a Case be gain'd by Money, to concur with the *French* to restore the late King or his pretended Issue, which can never happen without the total Overthrow of our Religion and Liberty, and perhaps of our Sovereignty too: for there's no likelihood that the *French* will subdue this Nation for the late King, if they find it any way possible to keep it for themselves; which in such a Case cannot be suppos'd to be very difficult.

There's nothing of this urg'd to combat the necessity of a Land-Force in case of a War, but only to evince, that as we are stat'd at present, there seems to be a necessity that both the Constituent Parts of our Government should concern themselves more than ordinary to remove all those things, of which ill Men may make a handle to create a Jealousy in them of one another, or in the People, of both or either of them. It is not the part of a wise or good Man to dispute the Executive Power which our Laws lodg in the King; but since 'tis impossible for his Majesty to do all that belongs to the Executive Power in his own Person, and that our Laws in most Cases of Importance determine the Qualifications of those that are to be intrusted with the Administration, our Legislators ought in all reason to be thought the most proper Judges as to Persons duly qualify'd to administer. And as this is necessary to be allow'd at all times, it seems to be more especially so at this time, when we have the misfortune to be divided into Factions at home, have a powerful and crafty Enemy abroad, and a Party of Men within our own Bowels that are justly suspected of playing his Game. A mutual Confidence and good Understanding betwixt the King and Parliament, is the best Method in the World to obviate Jealousies among our selves of an undue Advancement of Prerogative on the one hand, or of an Intrenchment upon it on the other. It is evident from our History, that we have been oftner endanger'd by the former than by the latter; that the only way of avoiding both, was when our Kings acted in concert with their great Council the Parliament; and that they who behav'd themselves otherwise, and govern'd more by Favourites than by the Advice of our Representatives, were never happy nor successful.

We may
thereby be
the Balance
of Europe.

Queen Elizabeth remains a glorious Instance of what our Monarchy is capable to do, when acted by wise Counsels, and united with their Parliaments. In a word, let our Government be in a Woman or a Child, as it was in the time of that excellent Princess and her Brother King Edward VI. if the Administration be manag'd by the Advice and Authority of Parliaments, freely and fairly elected, we are capable of advancing our selves, and of keeping the Balance of Europe in an Equilibrium. Whereas on the contrary, it is evident from Experience, that tho the personal Endowments and Qualifications of our Princes be ever so great, if the Harmony betwixt them and their Parliaments be once interrupted, they are not able to maintain the Dignity of their Character, nor to support the Glory of their Crown at home or abroad. The Reason is obvious: In a limited Government, such as ours is, and 'tis hop'd will for ever be, where Subjects apprehend an Invasion upon their Liberty and Rights, the Prince can never be assur'd of their Persons or Purse, nor have any certain dependence upon their Allegiance. It is natural for all Men to with themselves rid of the Objects of their fear, or of a Burden that presses too heavy upon them. There was not one of our four last Princes but would own this in Theory, however remote from it they were in Practice. Remarkable to this purpose was the Opinion of King Charles II. in relation to the Prince of Orange, now our Gracious Sovereign; Sir William Temple, giving an account of it in his Conference with M. de Witt, relates it thus: 'I told him 'twas true

A Prince
can't be
happy with-
out his Peo-
ple's Good-
will.

Sir W.
Temple's
Account of
the Genius
of England.

'that there wanted not some amongst us that would be so wise to know that 'twas impossible for us ever to fall into any firm Confidence with the States upon their present Constitution, nor particularly with him, upon the Prince of Orange's Occasion: That, for my part, I was not at all of that mind. That tho the King could not lose the Affection he had for his Nephew; yet, he was of Opinion, he could not express it better than by infusing into him the Belief, that he could make himself no way so happy as in the Good-will of the States, trusting wholly to them in the Course of his Fortunes, and not to private Factions of Foreign Intrigues and Applications: That his Majesty was of an Opinion himself, That Princes were not apt to do themselves more hurt, and make themselves less any ways, than by affecting too much Power, or such as was directly contrary to the Stomach and Genius of the Country which fell to their Share. To this we shall add what Sir William says afterwards of the Genius of the People of England, which no Man was better able to give an Account of than himself. 'And besides this (says he) I know his Majesty was so just and so reasonable, that tho he should take kindly of the States any Respects they should shew his Nephew, yet I did not believe he would offer that to any other King or State which he should not take well any other should offer to him: and, I did not believe he would ever be put upon any such Designs by his Council, or his Peoples Inclinations; for they who look'd upon the Prince in a probability of one day coming to be their King, and that lov'd a Prince who grounded his Power in the Affections of his People, and lov'd to rule by Laws, had rather perhaps see the Prince of Orange happy in the Good-will of the States, and such moderate Power as they should think consistent with their Government, than of a humour to aim at anything that might tend to subvert their Civil Constitutions (a).

From all this it naturally results, that the Kings of Great Britain have no occasion to bethink themselves of any new Schemes or Models of Government; they have a plain and beaten Path before them, which is to take care that their Parliaments be freely elected, and to act by their Advice. Thus they may assure themselves of the Hearts, and Hands, and Purse of their Subjects, and by so doing they infallibly arrive at the highest pitch of Glory which any Prince ought to aim at; that is, to be lov'd at home, and dreaded abroad, to be capable of doing good to all Europe, and of preventing the Slavery of Christendom.

How the
Kings of
England
are God's
Vicege-
rents.

Our Kings have of late been fond of the Title of God's Vicegerents; an excellent Title it was, nor could the Wisdom of Man fix upon another that is more expressive of a Prince's Duty. The King of Kings assumes no higher Prerogative over his Subjects (tho he gives them their Being) than to prescribe them Laws conducing to their own Welfare, to make what they do for his Glory their certain Advantage as well as their Duty, to reward those who observe his Laws, and to punish such as break them. But if there be such Monarchs in the World, as make their own Will and Humour the chief measure of their Subjects Obedience, who

advance their Prerogative to the Detriment of their People, who, provided they themselves be great, care not how low they keep their Subjects, who promote and employ vitious Men, while they neglect or oppress those that are Virtuous; they may assume to themselves the Title of most Christian, most Sacred, most Excellent, or what they please; but it's plain, that whilst they act thus, they are so far from being Vicegerents to God, that they are Lieutenants to his greatest Enemy.

If this be objected against as an impertinent Digression, I shall make no other Apology for it, but that I thought it necessary in order to obviate those Mistakes about Government, which some Men are again advancing among us. They would fain persuade the World that Kings and Subjects have separate Interests, that Princes are *Self-holders*, as the Czar of *Moscow* entitles himself; and that Subjects are so much their Property, as that in no case they may resist them. Where such Maxims are once sow'd, the natural Product must needs be Tyranny. 'Twas those Principles made *James I.* uneasy, brought *Charles I.* to the Block, made *Charles II.* an Exile, and brought *James II.* to Abdication. 'Twas those Principles which receiv'd their mortal Wound by King *William's* Sword at the happy Revolution; nor will any Person or Party attempt to heal it, under any other Name or Pretext whatsoever, but such as at the same time will contribute their utmost Endeavours (whether they think so or not) to heal the deadly Wound of the Apocalyptical Beast. Tyranny and Idolatry are the two essential Constituents of Antichrist's Empire; and wherever the former takes place, the latter pretends a Right to follow. It's the most unaccountable thing in the World to see Clergymen of all Denominations in general so little sensible of this, tho' the Experience of all Ages amounts to a demonstration, that Tyranny, absolute Power, exalted Prerogative, or call it what you will, is productive of the greatest and most enormous Crimes that Human Nature is capable of, and always concludes in the Oppression of the best and most devout Men. Then if the Tree must be known by its Fruit, as our Saviour himself hath told us, we may reasonably conclude, that unaccountable Power in any Man on Earth was never planted by Heaven.

Some Men who formerly propagated, and endeavour'd to revive those Principles among us, by bringing their Disciples into the Legation, &c. may usurp the Character of Embassadors from the Prince of Peace, and dignity and distinguish themselves by what other Titles they please; they may impose upon us *Samuel's* Prophecy of *Saul's* Tyranny (a) instead of *Moses's* Rule for a King's Duty (b): But as I will make bold to tell them, that *St. Paul's* Definition of a King or Supreme Power, as one that's ordain'd to protect the Good and punish the Bad; and that for this, and no other Cause, the People owe him Subjection and Revenue (c), will have more weight with all honest and sensible Men, than their Heterodox Lectures of Passive-Obedience. Let these Men, if they be Embassadors from Heaven, turn over their divinely inspir'd Credentials as often as they please; they will not find one Syllable in their Instructions, authorizing them to teach the People, that he who came to save their Souls from the God of this World, order'd that their Bodies should be Slaves to the Princes of it. Such Men as these, with their Disciples and Adherents, are the most dangerous People that can come near a Throne; they make Kings believe they are Gods when they are but Men, and therefore our Legislators are peculiarly concern'd to beware of their Counsels and Dictates; and all Nations that would preserve their Liberty, ought to guard against the Advancement of any such Men to Places of Power and Trust. In like manner, such Princes as would prevent the Jealousies of their Subjects, should beware how they promote or employ Men of that Complexion, especially if they have been formerly active to enslave the Nation; such Men, except they be reform'd, can serve for nothing but to increase the Jealousies of the Subject, and to betray any Government that is founded upon Principles of Liberty. This they may do as effectually by surprizing Princes into Arbitrary Methods, formerly practis'd, as by entertaining Correspondence with their profess'd Enemies. It can no ways be safe for a Government, establish'd upon a legal Foundation and *English* Principles, to intrust such Men in Posts of Importance, in case of a War against those who espouse the Cause of an abdicated Prince, whose Title their Principles must needs induce them to think good.

(a) 1 Sam. 8. from the 9th Ver. to the end of the Chap.

(b) Deut. 17. from the 14th Ver. to the end of the Chap.

(c) Rom. 13. from the beginning to the 3rd Ver.

Who are
proper to
be employ'd
in the State.

On the other hand, it is every way as improper to employ and advance such Men, as by taking of Bribes, raising to themselves great Estates by publick Posts, and falling in with Measures that may endanger our Constitution, have brought a scandal upon their former Principles. The Divine Lawgiver hath told us, that the Test by which Men should qualify themselves for publick Employments, is to *fear God, and hate Covetousness*. Lofty Titles, great Friends, and the Favour of Princes, are not capable of inspiring Men with those Qualifications; and therefore ought not to be the determining Characters of those that are fit to serve the Publick, unless to all or any of these, there be added Integrity and Virtue; if that be wanting, the Kingdom may be ruin'd instead of being serv'd by those in publick Posts: [*Non tali auxilio nec defensoribus istis, tempus eget.*] And therefore since 'tis impossible that Princes, tho of the most enlarg'd Capacity, can depend upon that which they call their certain Knowledge for the true Character of Persons fit to serve 'em in all publick Stations, the Advice of the Great Council of the Nation, at such a Juncture as this, seems not only convenient but highly necessary. That's the most probable way of having the Government duly supported, and having all these Jealousies, so industriously suggested by ill Men, intirely remov'd, and all just Reflections upon the Administration obviated.

Factions
disadvan-
tages to
a Govern-
ment.

It's one of the greatest Disadvantages to which any Government can be liable, to be oblig'd to toss the Administration from Faction to Faction; such a Management can never be steady at home, nor depended upon by its Allies abroad. This was the reason that in King Charles the Second's Reign, the *Dutch*, when we came to treat with them, objected the Unsteadiness of our Counsels, and told us, 'That since Queen Elizabeth's Time there had been nothing but perpetual Fluctuation in our Conduct; so that they could not rely on our Measures for two years together (a), as Sir William Temple informs us. To which it is proper to add what that able Minister said on much such another Occasion as what we now speak of: 'That b) without great Virtue and Steadiness in the Government, and Resolution of going thro with whatsoever is thought fit and just, whereby Men may see, that the only way to rise is to deserve it; all tempering of Factions, taking off Persons, and soothing Parties, is but patching up an ill House: By Virtue, I mean that which the greatest Nations of old so politickly favour'd, which consisted in those Qualities that made Men fit for the Service of their Princes and Countries, by strong and healthful Dispositions both of Body and Mind.

Fr. King's
threatning
the Dutch,
an Alarm
to England.

Since the writing of what's above, the *French* seem to have gather'd a new Accession of Strength and Arrogance. The *Hamburgers*, it seems, have thought fit to own the Duke of *Anjou's* Succession to the Throne of *Spain*; and *Lewis XIV.* is so much animated by his daily Success, that he threatens the *Dutch* with a vigorous War, if they do not speedily own the new King of *Spain*. This gives us just Cause to apprehend that he will take the Boldness e'er long to complement us with a Message of the like nature; his Naval Preparations on the Channel, the March of such a numerous Army into *Flanders*, and the Talk of his Encampment near *Dunkirk*, seem to look that way. He knows well enough, that so long as *Great Britain* holds out, the Duke of *Anjou* must not look upon his Throne to be so establish'd as it cannot be shaken; and that tho many petty Princes and States think fit to pay him the Complement of Congratulation, they will soon make him sensible that he is to look for nothing else from them, if once *England* and *Holland* declare for the Emperor. It must be own'd then that he acts like a wise Politician to press the *Dutch* to a speedy Resolve; and, upon their Noncompliance, to be as speedy in attacking them as possibly he can: Nor could he fall upon properer Measures to deter us from sending them Relief, than to have an Army ready to invade us from *Dunkirk*, and a Fleet in the Channel ready to convoy and second them. There's no doubt but he is sensible of his former Mistake in withdrawing his Troops from our Frontiers, and falling in upon the *Upper Rhine* at the time of the Revolution. He then relied upon the Strength of King *James's* Party in *Great Britain*, and left us to destroy one another in a Civil War, which he thought must be the necessary Consequence of the Prince of *Orange's* Descent. But now he hath found to his Loss, that the People of these Islands have a greater value for their Religion and Liberty than at that time he imagin'd. Or if he should not think of these things,

(a) Sir William Temple's Letters, Vol. I. p. 162. (b) Ibid. Vol. 2. p. 30.

we have no reason to doubt but our querelous Jacobites have sufficiently inform'd him how much he was wanting both to them and himself, in not landing an Army upon us immediately after his Naval Victory at *Beachy-Head*. Nor have they let him forget his unpardonable Omission of frustrating their Hopes in the like manner, about the time of their intended Assassination. Upon the whole it is his undoubted Interest to bring *England* and *Holland* to a Compliance as soon as he can; or whether he be able to effect that or not, to give them such a Diversion, as may keep their Forces at home, and prevent their assisting the Emperor.

The Case being thus, it must certainly be the Interest of *England* to put themselves in a Condition to give Laws rather than to take them, and to join in Alliance with the uncorrupted part of *Europe*, rather than leave every one to save their own Stake, which is an infallible Method to lose all. The Dutch have no reason at this time to fear the Unsteadiness of our Court. It depends therefore now upon our Country to act their Part: We are not so much to enquire what the Dutch ought to do at this Juncture, as what is incumbent upon both of us to do in conjunction; if we divide we are ruin'd; if both of us don't exert our utmost Vigor, all *Europe* must be Slaves; and if we neglect the Dutch, we neglect our selves: our Support will invigorate their Counsels; but if we desert them, they will be justly provok'd to put out one of their own Eyes, that we may lose both ours. If that should happen to be the Case, which God forbid, we may suddenly expect to hear of their coming to their old Resolve, which was * *de laisser agir au bon Dieu & de voir la France a leurs Portes sans se remuer*, i. e. to let God do what he thinks good, and leave the French to their own Measures. This was occasion'd by their diffidence of King Charles the Second; but at the same time Sir William Temple says, 'They were capable of any vigorous Resolution, that his Majesty should think fit to inspire them with in conjunction with us: they knew that the disposal and ballance of all the Affairs in these Parts of *Christendom* lay before his Majesty, from whom the Empire and *Spain*, as well as *Sweden* and their State, would receive their Measures.

Interest of
England
thereon.

The Case is the same still, the Spaniards excepted; and there's no reason to doubt but even such of them as secretly or otherwise favour the *Austrian* Title, will take their Measures from us now as well as they did then.

Upon the whole it appears, that all the Nations of *Europe* expect their Sentence from us, whether they shall be Slaves or Freemen; what we determine in that Matter must in all probability be acquiesc'd in: if Slavery be their doom, they must be very impolitick to provoke their new Masters or Patrons; and therefore we have reason to believe they will tamely submit to the Yoke, and not foolishly gall their Necks by struggling in vain. If this be the Case, as it must of necessity be, if we don't pronounce a favourable Sentence, it's easy to foretel that our own turn must be next. It's inconsistent with the Politicks of *France* to let it be otherwise; they destroy'd their own Protestants, who had preserv'd the Crown upon the Head of *Lewis XIV.* because they thought those who had kept him upon the Throne were able upon any Disgust to turn him off: it certainly follows, by the same rule of Arguing, that *Great-Britain*, which hath hitherto defeated all their Designs for the Universal Monarchy, is not to be left in a Condition to do so still. If the rest of *Europe* submit, the French will never be so much wanting to their own Interests as to let *England* continue free; we may depend upon it, that they don't owe us so much kindness, but on the contrary will greedily lay hold of the Opportunity to ruin us; they will say in relation to the British Empire as their *Henry IV.* said in relation to the House of *Austria*, when he had form'd his vast Project of bringing them to reason, *That he would stab the Beast to the Heart.*

All Nations
have their
Eyes upon
England.

If the French or others should object, that the Peace of *Reswick* ties our Hands, and that there being no Hostilities committed against us by *France* and *Spain*; we cannot, without Breach of that Treaty, do any thing against them: It is easy to answer; *That he would stab the Beast to the Heart.*

Treaty of
Reswick
does not tie
our hands.

1. That there's scarce one Member of the League, with whom the French have not violated the Treaty of *Reswick*. How long did they trifle with the Empire before they would evacuate *Brisack*? What delays and shufflings did they make before they settled their Frontiers in the Spanish *Netherlands*, and evacuated *Luxemburg*?

France violat-
ed it
with every
Member of
the League.

burg? What Invasions have they made, and occasion'd to be made upon the Protestants of the Empire by the fourth Article of the Treaty of *Reswick*? How inhumanely have they treated the Duke of *Mombeliard*? What Infractions have they made upon the Liberties of *Neuschatel*, and their Treaties with *Swissland*? What trouble have they given the Elector *Palatine* about the Dutchess of *Orleans's* Pretensions? How have they chican'd with us about the *Hudsons-Bay* Factory; and what unfair Practices were they guilty of towards the Dutch, before they came to settle the Tariff about Trade? But,

We may distinguish the Treaty from the Terms of it.

2. Tho none of these things were to be objected, we may justly turn the French Argument upon themselves, by distinguishing betwixt the Treaty of *Reswick* and the Terms of it. The Design of that Treaty was certainly to maintain the Peace of *Europe*, by keeping the Ballance in a due situation. But the French have broke the Treaty by a fraudulent Annexation or strict Conjunction at least of the Crown of *Spain* to that of *France*, which turns the Ballance wholly on their Side; so that by their own Argument we are no longer oblig'd to the observation of that Treaty. We are to pursue the Design of it, without any regard to the Terms; and by consequence oblig'd to rend the Crown of *Spain* from the Family of *Bourbon*, who have given sufficient evidence of their Design to enslave all *Europe*, had their Power been able to keep pace with their Inclinations.

England a Loser by that Treaty.

It's hop'd that no English-man will be so fond of the Peace of *Reswick*, as to make it a Pretence for denying his Concurrence to bring *France* to Reason. This Nation has the least Cause of any in *Europe* to be satisfy'd with that Treaty: Let who will be gainers by it, *England* was none, but on the contrary manifest Losers, as will appear by the following Instances.

As to Hudsons Bay.

1. That tho we were at a greater Expence for carrying on the War than any of the Confederates, yet we had the least Advantage by the Peace. The Empire had several Provinces and Fortresses restor'd, and the Spaniards the like; the Dutch had their Frontiers secur'd, their Trade with *France* settl'd, and their Foreign Plantations restor'd: but for us, we had nothing at all. The Dutch, by the Treaty, had secur'd to them the Artillery, Ammunition, Provision, Slaves, and the Effects they took from the French at *Ponticherry* in the *East-Indies*, with all the Lands and Rights they had acquir'd from the Prince and the Inhabitants of the Country, as may be seen by the eighth Article of the Treaty between *Holland* and *France*; but for us, we were forc'd to abandon to the French those Places in *Hudsons-Bay*, which were taken by them during the Peace that preceded the War, tho our *Hudsons-Bay* Company had at their own Charge retaken them from the French during the War, as may be seen by the 8th Article of our Treaty: and to this we had the Mortification added of treating with French Commissioners about that which was our undoubted Right by an indisputable Title and actual Possession. This reflected the more Dishonour upon us, that the Injury done us in this Matter was one of the Causes of War insist'd upon in their Majesties King *William* and Queen *Mary's* Declaration against the French King, dated the 7th day of *May* 1689. wherein the French King is charg'd 'with invading our *Caribbee-Islands*, and possessing himself of our Territories of *New-York*, and of *Hudsons-Bay*, in a hostile manner, seizing our Forts, burning our Subjects Houses, and enriching his People with the spoil of their Goods and Merchandizes, detaining some of our Subjects under the hardship of Imprisonment, causing others to be inhumanly killed, and driving the rest to Sea in a small Vessel, without Food and Neecessaries to support them; Actions not becoming even an Enemy: and yet he was so far from declaring himself so, that at that very time he was negotiating here in *England* by his Minister, a Treaty of Neutrality and good Correspondence in *America*. These are the Words of the Declaration; and that we did not insist at the Treaty, not only upon keeping Possession, but upon Compensation, did no way tend to the Honour of *England*. But what could his Majesty do? we were weary of fighting, we were weary of paying, we were actually deserted by some of our Allies, and in danger of being deserted by more; so that we have none to blame but our selves, and some treacherous Allies, for this and other dishonourable Articles of the Peace. The best way to retrieve it is; to enable his Majesty now to do the Nation Justice, and to insist on better Security for the performance of our Allies, if it be thought fit to enter into new Treaties with them.

We had by it no Satisfaction for our New-found-land Trade.

A second Reason why we have no cause to be fond of the Treaty of *Reswick*, is, that we had thereby no Satisfaction for our Fishery in *New-found-land*, tho in the said

said Declaration of War it was set forth thus: 'It is not long since the French took Licences from the English Governour of *New-found-land*, to fish in the Seas upon that Coast, and paid a Tribute for such Licences, as an acknowledgment of the sole Right of the Crown of *England* to that Island; and yet of late the Incroachments of the French upon our said Islands, and our Subjects Trade and Fishery, have been more like the Invasions of an Enemy, than becoming Friends, who enjoy'd the Advantage of that Trade only by Permission. Instead of insinuating upon our Property there, the French are left in possession of *Placenza* in *New-found-land*, which in time may totally destroy the English Fishery in those parts, because the French sail and victual cheaper than we can do; have miserable Slaves to imploy that can live upon Bread and Water; and by this means they are enabled to undersell us in the Fish, and other Commodities brought from thence, as by their being left in possession of the Places they took from us in *Hudsons-Bay*: They are able to undermine our Fur and Hat-trade, and particularly that of our English Beavers which were formerly so much valued. Of this we ought to be so much the more sensible, since it is an increase of the Riches, Honour and Power of *France*, and in all those respects a lessening of us; tho' one might think we are more capable of resenting it now than we were in *Queen Elizabeth's* Time, when *Sir Humphry Gilbert* took possession of it in her Name, and forbade other Nations to fish there. Besides, we have a Title to it from the first Discoverer *Sebastian Cabot*, who presented three of the Natives to our K. *Hen. VII.*

We may assign as a third Cause of our having no reason to be pleas'd with the Treaty of *Reswick*, that we had no satisfaction for what was complain'd of in the said Declaration, as to the 'seizure of English Ships by French Privateers, the French King's forbidding the Importation of great part of the Product and Manufactures of our Kingdom, and imposing exorbitant Customs upon the rest, notwithstanding the vast Advantage he and the French Nation reap'd by their Commerce with *England*; which (says the Declaration) are sufficient Evidences of his Designs to destroy our Trade, and consequently to ruin our Navigation, upon which the Wealth and Safety of this Nation so very much depend.

Nor as to the seizure of our Ships.

It's true, we are upon an equal footing with them, as to the Prohibition and Imposts upon our Commodities, because we have serv'd theirs in the same manner; but as to the seizure of our Ships they are still in Arrears to us. As to the danger of our Trade and Navigation; if it was judg'd a good Cause of War then, the force of the Argument is redoubled now, when our Trade is in more danger by *France* than ever, as has been already demonstrated.

We may assign as a fourth Cause why we ought not to be in love with the Treaty of *Reswick*, that we had no Satisfaction for the Right of the Flag, which the Declaration said, 'was inherent in the Crown of *England*, yet had been disputed by his Orders in Violation of our Sovereignty of the *Narrow Seas*, which in all Ages has been asserted by our Predecessors, and we are resolv'd to maintain for the Honour of our Crown, and of the English Nation. We find no Provision made for our Honour in this Matter by the Treaty; and we have no reason to doubt, but as the French King has acquir'd more Power in the *Narrow Seas* since the Treaty, than he had before, so he will likewise be more obstinate and imperious in that Matter!

Nor as to our Right to the Flag.

The last Clause of War mention'd in the Declaration, may serve as a fifth Reason for our Dissatisfaction with the Treaty of *Reswick*, and is as follows. 'But that which must nearly touch us, is his Unchristian Prosecution of many of our English Protestant Subjects in *France* for Matters of Religion, contrary to the Law of Nations, and express Treaties, forcing 'em to abjure their Religion by strange and unusual Cruelties, and imprisoning some of the Masters and Seamen of our Merchant-Ships, and condemning others to the Gallies, on pretence of having on board either some of his own miserable Protestant Subjects, or their Effects. And, lastly, as he has for some Years last past endeavour'd by Insinuations and Promises of Assistance to overthrow the Government of *England*; so now by open and violent Methods, and the actual Invasion of our Kingdom of *Ireland*, in support of our Subjects in Arms and Rebellion against us, he is promoting the utter Extirpation of our good and loyal Subjects in that our Kingdom.

Nor no Relief for our Protestant Brethren.

Any Man that will be at the pains to peruse the Treaty, will find nothing of any *Proviso* against such Insults upon British Protestants in time to come, nor any Reparation for what is past. And 'tis evident that the French Court have abated nothing

thing

thing of their Humour to affront us on that Head, as was plain from some trouble given to a Chaplain to one of our Ambassadors in *France* since the Peace. The like is to be said as to the barbarous Treatment of the Masters of our Ships and Seamen, contrary to the Law of Nations: Nor had we any Satisfaction for the Invasion of *Ireland*, tho the French King had as much reason to have satisfy'd us for that, as to be answerable for the Revenues of the Principality of *Orange*, and the Interest of the same from the Treaty of *Nimeguen* to the time of the Peace. By all which it will appear, that as to what concerns our selves, we have as little reason to be fond of the Treaty of *Reswick* as the French King has; and that all the Causes of War mention'd in that Declaration, are increas'd instead of being diminish'd.

Nor any Security for our Settlement after the King's Death.

There is a 6th Cause for our not being satisfy'd with the Treaty of *Reswick*, which is perhaps of as great Importance to the Nation, as any of those hitherto mention'd. In the 4th Article of the Treaty it is stipulated, *That the French King will on no Account whatever disturb his present Majesty in the free Possession of what he now enjoys*; but there's nothing to secure us in our present Settlement after his Majesty's Death. So that the French King might pretend he was not by this Treaty bound up from endeavouring to dispossess the Princess and her Issue; or failing that, his Majesty's Issue, if it should please God to bless him with any. Of what ill Consequence this may be to the Nation, it's no hard matter to conceive. If the late King should happen to out-live our present Sovereign; or failing that, if the French King, or his Successor, should happen to think it their Interest to espouse the pretended Prince of *Wales's* Title; or in case there should be no opportunity for that, if any future Kings of *France* should think it proper for them to advance the Titles of what Issue that pretended Prince, and the young Gentlewoman call'd *his Sister* may have, there's nothing in this Treaty to hinder but we may have controverted Titles entail'd upon us from Age to Age. It is evident that this Omission alone might have been a Seminary of endless Quarrels betwixt *England* and *France*, and have render'd all the Blood and Treasure we have spent to recover our own Constitution, and the Liberty of *Europe*, to no purpose.

There's another Objection against the Treaty of *Reswick* arising from the second Paragraph of the Declaration of War, which runs thus: 'When we consider the many unjust Methods the French King hath of late Years taken to gratify his Ambition, that he has not only invaded the Territories of the Emperor and of the Empire, now in Amity with us, laying wast whole Countries, and destroying the Inhabitants by his Armies, but declar'd War against our Allies without any Provocation, in manifest Violation of the Treaties confirm'd by the Guaranty of the Crown of *England*; We can do no less than join with our Allies in opposing the Designs of the French King, as the Disturber of the Peace, and the Common Enemy of the Christian World.'

Protestants in the Palatinate, &c. had no Relief by it.

It's well enough known, that the People who suffer'd most by those Invasions of *France* upon our Allies, were the Protestants of the *Palatinate*, and other German Countries adjoining to *France*; yet they were so far from having any Reparation, that such of them as had escap'd the raging Storm of a French Persecution were instead of a Calm, which they had just reason to expect, immediately expos'd to a new Tempest of Popish Fury by the Elector *Palatine*, &c. under which they still groan; so as their fruitless Complaints resound through all *Europe* to this very day. The Elector of *Brandenburg*, the Landgrave of *Hesse*, the Mediator, and the Plenipotentiaries of some other Protestant Princes, made some Resistance for a time, when they found their Protestant Brethren so foully betray'd, but to no purpose. It was in vain for his Majesty of *Great Britain* to struggle any further, the Tide run strong against him; his Subjects were uneasy at home, and his Allies unfaithful abroad: and thus concluded the Treaty of *Reswick*, in a Peace which his Majesty told his Parliament at their first Meeting after that Transaction, *He was willing to conclude, not so much to ease himself from any Trouble or Hazard, as to free the Kingdom from the continuing Burden of an Expensive War.*

From all this we conceive it is plain, that no true English-man, or Protestant, will object the Treaty of *Reswick* against new Endeavours to bring *France* to better Terms, since she herself is guilty of the first Violation.

Bitter Sarcasm on K. James I.

The House of *Austria* put a Sarcasm upon us in the Reign of King *James* the First; because that Prince did nothing for his Son-in-law the Elector *Palatine*, and his Protestant Subjects (at that time run down by the *Austrian* Papists) besides sending of Embassies. And therefore in a Farce or Theatrical Representation at *Brussels*,

Brussels, they jeer'd him by making the Question be put, what the King of Great Britain would do for the Elector Palatine, and causing to be answer'd by the Fool in the Play, that he would assist him with 100000 Embassadors. It would be a very great Reflection upon the Zeal and Conduct of England now, if the Popish Princes should have occasion to say, that what they ridicul'd as too little in him, is too much for us. It's to be hop'd, the English Nation will look upon the Persecution of their Protestant Allies and Brethren to be none of the least Causes for entering into new Alliances against France. This Kingdom was never more bless'd with Success, nor higher advanc'd in its Reputation, than when it appear'd at the Head of the Protestant Interest, and espous'd the Defence of their persecuted Brethren. This will be evident to those that consider what a figure we made in the Protestant World upon this account, in the Reign of Queen Elizabeth, and in the time of the Long Parliament: Nay, and what Reputation that very thing acquir'd to us under the Administration of the Usurper.

What is it then that should stand in the way of our inviting all the Protestant Powers of Europe into a League with us, for the Defence of our common Religion? They are capable of assisting us with Men and Shipping: We have the noblest Fleet now that any Nation can boast of: We are not to seek for a Generalissimo, nor in want of a King to fight our Battels. There's nothing, humanely speaking, could be able to stand in the way of the united Naval Force of the Protestant Princes and States; they lie so near together, that the French and Spaniards cannot hinder their Conjunction. They are able to leave a sufficient Fleet in the Channel to secure themselves against the Naval Power of France, whilst the rest might bombard his Towns, block up his Men of War, pass the Straits, land Men at Civita Vecchia, march them to Rome, dislodge the Pope, and destroy the Seat of the Antichristian Empire. This cannot seem extravagant or visionary, to those that remember how Admiral Russell, with a Squadron of our Fleet, commanded the Mediterranean, kept the French Fleet in their Harbours, and gave such Reputation to our Affairs, that the wise Venetians thought it high time for them to congratulate King William's Accession to the Throne by a splendid and solemn Embassy.

If this was effected by a Squadron of our Fleet, what might not such an United Naval Force, as we have just now mention'd, be able to accomplish? What other reason besides a scandalous decay of Zeal in most of the Protestant Kingdoms and States can there be assign'd, why all of them conjunctly did not remonstrate against the barbarous Persecution of the Palatine Protestants, &c. and upon denial of Redress, enter into such a League as above-mention'd? We had Discourses indeed of such a thing being in project, but the Event hath shew'd that there was nothing in it. This is so much the more to be wonder'd and griev'd at, considering what just Cause of Alarm the Elector of Saxony's Apostacy, the kindling of a War amongst the Protestants in the North, and the suspicious Reports of the Apostacy of some other Great Princes might have given us. A League of this nature had certainly been more justifiable than some other Transactions that have of late appear'd in the World, and which God in his Providence hath defeated: a League for the mutual Defence of our Religion, had been much more commendable, than for any Protestant Prince or Princes to have been hunting after vain and insignificant Titles, an unjust Enlargement of their Dominions, or an undue Advancement of their Prerogatives. These things can have no other Issue, than to raise Jealousies among their Neighbours, and to cause Poverty and Discontents among their own Subjects, which diverts and weakens them from undertaking the Defence of the Common Cause. As this is, in a great measure, owing to the foolish Ambition of Princes, and the crafty Intrigues of the Romish Clergy in most Countries of Europe, it is also but too justly chargeable upon the shameful Cowardice and want of Zeal in such Protestant Ecclesiasticks as belong to the Courts of Protestant Princes; they are most of them so bewitch'd with their Court-Favour, easy and luxurious way of Living, and hopes of Preferment, that they dare not venture to tell Princes their Faults, nor remonstrate against the Injustice of their Proceedings in any respect. Had it been otherwise, there's Ground to think, that the Elector of Saxony had not become such an easy Profelyte to the Church of Rome, nor had the King of Denmark endanger'd the Peace of the North by falling in with that Apostate Prince. Where is there that Court-Chaplain now in Europe, that has so much Faithfulness and Zeal as Bishop Latimer, who reprov'd King Henry VIII. for his lewd way of Living, by presenting him with a Bible with this Inscription on the Cover, Whoremongers and Adulterers God will judg? This shameful decay of Zeal in our Protestant Clergy,

Clergy, with the little care taken of the religious Education of Protestant Princes, which discovers it self by the Practice of most of themselves, and their principal Courtiers, is the thing of the World that portends most danger to the Reformation.

Clergymen
opposing Abuse in Government
is useful.

It's a Mistake to think that the vigorous Opposition of Clergymen to Abuse in Government, or the ill Practices of Governors, is of little significance: The Opposition made by our own Bishops to the late King James's Declaration, is a fresh and a speaking Demonstration to the contrary; to this we may add an old Presbyterian Instance of the Clergy of *Geneva*, who oblig'd that Republick to do Justice upon a Murderer of Quality, by threatening otherwise to leave the City. The reason of this is obvious, for even Tyrants, such as *Saul* (who had no regard to God nor Religion) find it necessary for their Reputation; that the Priests and Prophets should honour them before the People.

They are
chargeable
with the
Decay of
Religion.

This is enough to demonstrate how much the Protestant Clergy and Nobility, thro all *Europe*, are chargeable with the Decay of the Reformation. Were they faithful to their respective Princes, in reprovng them for what's amiss, or refusing to serve them in such parts of their Administration as are prejudicial to Religion, or the Peoples Liberty, there would not be found so much Irreligion and arbitrary Management, as is now to be found in most Protestant Countries. This is one principal Reason why the Protestant Interest loses Ground every where, and, if Heaven don't prevent it, must in a little time be totally swallow'd up. We have but little reason to hope that Protestants should unite or make any vigorous Defence against the common Enemy, whilst so many of their Princes are arbitrary, and wherever they have Power, oppress their Subjects as much as Popish Princes do theirs. There's no Man can dispute the Truth of this that knows any thing of the Government of the Northern Crowns, and most of the Princes of *Germany*. It's well enough known by what Methods the Kings of *Denmark* and *Sueden* made themselves absolute; and it's truly unaccountable in the Protestant Princes of *Germany*, who from time to time have made such gallant Efforts against the Tyranny of the House of *Austria*, that yet they should affect to be arbitrary over their own Subjects.

It remains then, that the only visible Method left to restore Virtue and Liberty to the Protestant World, is for *England* to lead the way. We have been blest'd in our Endeavours to recover and preserve our own Liberty: We have that glorious Hero on our Throne, whom God made use of to be the Instrument of it. He went as far towards breaking off the Chains of *Europe*, and securing her from Slavery in time to come, as our Inclinations and Purles, and those of our Allies, would allow him, and more he could not do.

Papists
have propagated their
Idolatry since the
Treaty of
Reswick.

We have plain Demonstration to prove that the Papists have not been so much wanting in their Endeavours to propagate the Romish Idolatry, since the Treaty of *Reswick*. The loud Complaints of the Protestants of *Germany*, which fill most of the foreign Gazettes, will not suffer us to call that in question. Nor have we any reason to think, that they have been so slack in a Catholick League to destroy what they are pleas'd to call the Northern Heresy, as Protestants have been to form a League in defence of it. This is so far from being uncertain, if we may depend upon some Advices from very good Hands in *Holland*, that the Imperial Minister, to shew the sincerity of his Master's Intentions to join with the *Dutch* and Us in asserting his own Right, and the common Liberty of *Europe*, hath intimated the Plan of a League entred into, or projected by Catholick Princes to subdue *Holland*, and reintroduce Popery into *England*; by restoring the late King.

Conclave
at Rome
promotes
the Ruin
of Protestants.

This is no way improbable, but whether it be true or not at present, we have no reason to doubt that the Conclave of *Rome* will promote such a Design with all the speed they can. They are sensible that they lost a very good Opportunity of effecting this, when *Lewis XIV.* was at the Zenith of his Grandeur, and *James II.* on the Throne of *England*, supported by a good Army. It's therefore very improbable that they will depend any more upon After-games: and since they have such a fair Opportunity as the Conjunction of *France* and *Spain*, and a Possibility of reconciling the Houses of *Bourbon* and *Austria* by Intermarriages, and the Concession of some Provinces (if we and the *Dutch* don't speedily fall in with the Emperor) there's no doubt they will improve it.

If we
should prevent it.

The best way in the World to prevent this, and by consequence the Effects of a Catholick League, is for us to enter into an Alliance with the Emperor upon honourable Terms; this will be much more easily effected than a Protestant League, and

and by the Blessing of God may as effectually secure the Protestant Interest. The Emperor courts us to it, and by this means we shall take off one of the principal Heads of the Romish Interest from coming against us; whereas if we neglect his Offers, it will but whet his Revenge, add a new Provocation to what he hath already conceiv'd from the Treaty of Partition, oblige him to make the best Terms he can for himself, and by consequence join the whole Popish Interest in Europe against the Reformation.

We seem to be so much the more oblig'd to such an Alliance and Measures, that their Majesties in their Declaration of War insisted upon it as the first Cause of their so doing, *That the French King had invaded the Territories of the Emperor, and of the Empire now in Amity with us.* More Reason for a War now than before; If this was a good Cause of War then, certainly the French King's having rob'd the Imperial Family of the whole Succession of Spain, is a much better Cause now: this more immediately concerns us, because it will have a direct and a speedy Influence upon our Trade and Safety; whereas his Invasion upon the *Upper Rhine* touch'd us only by a remote Influence.

If the Treaties we lay under with our Allies at that time were a sufficient Justification for our taking up Arms, as the Declaration justly alledges, the Argument is much stronger now. There are so many Treaties violated by this fraudulent Usurpation of the Crown of Spain, that we shall for ever lose the Honour of being Arbiters in the Affairs of Europe, or Guarantees of Leagues, if we suffer such a manifest Breach of Faith with all Mankind to pass unregarded. We are oblig'd to use our utmost Endeavours, to have Justice done to our Honour in this Matter, or we must give it up as eternally lost, and become the Reproach and Scorn of the Universe.

It's suppos'd that most Men are sensible enough of our Danger; but the great Objection will be, that the Poverty of the Nation, and the great Debts we are already engag'd in, render us unable to engage in a new War. England not unable to carry on a new War.

To which it may be answer'd: 1. That were we to engage an Enemy who does not labour under the like or much more Difficulties, the Objection would be frightful and unanswerable; but since we are certainly in a far better Condition in those respects than either France or Spain, the Objection loses much of its Strength.

2. There's no true Englishman or good Protestant but will be content to pay Ten Shillings in the Pound for carrying on a War, rather than let the French seize upon the whole Twenty. That we are in danger of being thus treated, if we don't put our selves in a condition to oppose it, is apparent to every Man of the meanest Thought.

3. It has been said already that our Annual Income by Trade amounts to two Millions; but supposing it less, one half of that Money, well dispos'd of, may go a great way to bring the War to a speedy and happy Conclusion. A far less Sum will equip our Fleet; and if that were once done, a strong Squadron sent to the *West-Indies*, under true English Commanders, may in all probability soon repay us. The most speedy and effectual Method to reduce our Enemies is to stop the Fountain of their Money, and obstruct their Commerce. The Dutch and we are better provided to do this than they are to oppose us; and were that once effected, France must soon be oblig'd to retire within her antient Boundaries, and glad if she escape so. It seems to be demonstrable that a Naval War is the likeliest Method to quell that *Leviathan*; and as it is so, it is a sort of War that we can best manage with the least Expence and Danger to our selves. Our Naval Force consumes our own Commodities, and the Money rais'd for maintaining them circulates among our selves; whereas the keeping an Army in foreign Parts carries our Money Abroad. How they may effectually do it.

Another Advantage we have by a Sea-War, is this, that we fight under the Conduct of English Commanders, whose Character it has always been to seek out and fight their Enemies, and bring things to a speedy Issue; whereas foreign Generals (and such we must have if we engage in Land-Service beyond Sea) love to spin out a War that they may raise their Fortunes. It behoves us to take care of this, and that no Foreign Soldier, nor Domestick Politician, have the Opportunity of making a broken Leg where there's no occasion: A certain great Lord is said to have done thus by Ireland at the time of the Revolution; whereas, in all probability, that Kingdom had otherwise not cost us a quarter of the Blood and Treasure it afterwards did. He is now gone to his Place, and his Honour and Male Issue extinguish'd; may all such pernicious Counsellors have the like Fate!

When English Liberties and Honour are at stake, the great Council of England is the fittest to give Advice, and English Arms are most proper to be employ'd in

English
Arms most
proper for
the Defence
of English
Liberties.

their Defence: but since the present Posture of Affairs makes foreign Alliances necessary, and that we have formerly been but ill serv'd by some such Allies, the united Wisdom of the Nation is most capable of providing against such things in time to come; they are the fittest to judg what proportion of the Burden we ought to bear, and of the Ability of the People they represent; and therefore those things are proper to be submitted to their Regulation.

Dissuaders
from fo-
reign Alli-
ances not to
be hear-
ken'd to.

It is not to be suppos'd, when *Englishmen* are sensible of the Danger of their Country, that they will be sparing of their Blood and Treasure to defend it both by Sea and Land; and therefore it's hop'd, that the Surmises of such Persons as dissuade from foreign Alliances, and suggest the Impossibility of our being able to bear a new War, will be carefully examin'd before they be listned to. We have a Party in our Bowels that have always been Enemies to the Interests of their Country, and provided they might have profitable Places or Pensions, and Liberty to ruin all those that had not their own Stamp, were willing to inslave us to Princes of our own that were Pensioners to *France*; the Counsels of such Men are to be carefully avoided. —Let us be so wise, as to make use of their Assistance and Votes in any thing that may better or further secure our Constitution, whatever Principle it proceeds from, or to whatever End it is directed; but we must beware of being engag'd by them in any thing that may throw us into unseasonable Heats, or retard our necessary Preparations for the Defence of our selves and our Allies. This to be sure they will endeavour by all the sly and indirect Methods they can, they will cover their black Designs with the fairest Pretexts imaginable; but it's hop'd they are too well known to be trusted. The present Situation of Affairs would seem to direct us to be more careful how to get out of our ill Circumstances, than inquisitive how we came into them; tho at the same time, if the one be no hindrance to the other, it's proper we should make some Inquiries of that nature, that we may better know how to avoid the like Dangers in time to come: and if there be any Persons that are justly chargeable with an Accession to our present Dangers by their ill Conduct and Counsels, it's but reasonable they should be prevented from doing the like at another time.

War with
Spain will
not ruin our
Merchants.

There's another great Objection against a War on the account of the *Spanish* Succession, which is, That 'twill ruin many of our Merchants, who have great Effects in *Spain*, and that this will be a common Loss to the Nation. To this it may be answer'd, that a War cannot be so suddenly declar'd or commenc'd, but our Merchants may have time to withdraw their Effects. Besides, by the twelfth Article of the Treaty of *Reswick*, there's a Provision of six Months for the Merchandize and Ships of both sides to be retir'd without hazard of Confiscation in case of a War; which if broke on their part, must be aveng'd by Reprisals on ours, and their Merchants must be treated in like manner. The *Dutch* have Concerns that way as well as we, and if they venture it, sure we may. There can be no War attempted without Loss to particular Persons, and the whole Community of a Kingdom; but the general Good must in all those Cases have the Preference: The Wisdom of the Nation must be apply'd to, if this should be the Case, to grant the Merchants a Compensation when such Losses happen, by a share of what may be taken from the Enemy afterwards in the *West-Indies*, or at Sea, or by such other Methods as they may judg best. In the mean time we have no reason to doubt, but all our generous Traders will be heartily willing to bear some Loss, provided that by a brisk management of an actual War, our Trade may be deliver'd from such Dangers in time to come, and establish'd upon a better Footing.

Why the
Emperor
can't be dis-
pleas'd at
it.

If to this and what hath been said already about the *Spanish West-Indies*, it should be objected, that this Method would be displeasing to the Emperor, whom, in case of a War, we must be tender of disobliging: It may be answer'd, that the House of *Austria* cannot so little understand their own Interest, as to take disgust at this, since 'tis the speediest way to reduce their Enemies, and may save them that Treasure and Blood, which they must otherwise expend in a long and tedious War, and perhaps to little purpose.

Equitable
that the
House of Au-
stria should
enlarge our
Trade with
Spain.

Besides, since the Emperor is most concern'd both in Honour and Interest to have the Crown of *Spain* taken off from the Head of the Family of *Bourbon*, it would be but reasonable for us to insist upon a greater freedom of Trade into those Parts of the World than the *Spaniards* have hitherto been willing to allow us. As this is no more than what in Equity ought to be granted, by this means we might perhaps find out a *Medium* for compromising those Differences in *Scotland* that seem to be rising to a dangerous height. As there's no Reason that their Trade should be

advanc'd

advanc'd to the detriment of our own, it's but just they should be heard as to what they can offer to remove that Objection. It's certainly more our Interest, that a Nation under the same Allegiance with our selves, and who are under an almost indispensable Necessity of making our Interests their own in every respect, should have some share allow'd them in Trade, rather than the Whole be indanger'd by our Differences. It behoves us to take care that no intriguing Politician make a lame Leg of that Kingdom, as it's said some did formerly of the Kingdom of Ireland. It's better that our Neighbours should be suffer'd to continue with their Limbs whole, than that we should be at the Expence of curing them when broken. It's not time now to divide at home, when we are all in danger of being attack'd from abroad. It's more our Interest to encourage our Neighbours to continue in a good Correspondence with us by a kind Treatment, than to suffer them to be provok'd to such Resentments, as may in time procure Forfeitures for some who want them.

Since the writing of what's above, we have Advices from *Holland*, that the *Spaniards* at *Madrid* are already sobig with Hopes of being repossest'd of the *United Provinces*, and destroying the Protestant Religion there, and in *Britain* and *Ireland*, that they cannot forbear to express it publicly. This is sufficient to confirm what we have had already surmis'd of a Catholick League on foot to root out the *Northern* Heresy. There is no doubt but the Conclave of *Rome* will promote the Design; and rather than they should not, there's a Potentate in the World, who will promise, by their Concurrence, to subdue all *Europe*, divide it into two Monarchies, make himself the Head of the One, and the Pope the Head of the Other; as *Gregorio Leti* says was agreed on by the Emperor *Charles V.* and one of the Popes in his time, but that Heaven prevented it by the death of the Pontif.

The Present Disposition of England consider'd.

Published
in July,
1701.

THE PREFACE.

THE following Paper was printed the beginning of January last, for the Perusal of some particular Friends, who were too sensible of the common Calamity, to entertain with Pleasure every noisy Pamphlet wrote on so melancholy a Subject.

But an injudicious Writer, by the name of a True Englishman, pretending after six Months Pause to give an Answer to it, under the Title of England's Enemies expos'd, and its true Friends and Patriots defended, &c. another Impression was thought necessary, that it may speak for it self, and fairly appear which of the two Authors hath most the Stile and Countenance of a Libel.

Reason of
its Publi-
cation.

Tho I don't pretend to know the Author, yet I dare affirm, that Noble Lord, whom the Answer would have to be so, was as perfect a Stranger to the writing of it, as our Hackney-Scribler is to true Sense and good Manners; neither doth he believe it himself, but is engag'd by his Superiors upon all Occasions to traduce that Noble Lord, because he is one of those dangerous Peers, whose Abilities and Courage they fear, who perfectly understands the Interest of his Country, and heartily loves it, and may perhaps one time or other be oblig'd judicially to execute Vengeance on the Creatures and Pensioners of France. The Reflections of this mean Author are only to be despis'd; for his good and bad Characters of those he calls Friends, or Enemies, are equally false.

The only Piece of Skill he shews, is by ranging this Paper with the Libel, call'd the Legion, to make them look like Companions; against which a Man of Wit might have found Scope to exercise his Pen: but this dull Commentator is so vapid where the Subject requir'd

Life and Spirit, that he ought to be chastis'd for presuming to advocate for the House of Commons.

Why this
Paper is
counted a
Libel by
its Enemies.

'Tis strange our Animadverter should be so influenc'd against this Paper, which only hints at the general Disposition of the Kingdom, and which he confesses is not apply'd to particular Men or Things: But serious Truths are the most provoking; and 'tis the deepest Mortification to unmask a State-Criminal, when he is just putting on the Habit of a Convert to deceive the People; therefore all Attempts fairly us'd to explain our present Circumstances, and to assist the Opticks of the Nation, are censur'd by our Author and his Party for the most inveterate Libels, which they bate upon the same Score, as Felons do Indictments at the Old-Baily. But 'tis no great Affliction to be reproach'd by them for a Libeller, when his Majesty's Declaration from the Hague, and his Title to the Crown, are, in the Opinions of some Men, the greatest Libels of the Age: And 'tis from this Principle, that our True Englishman seems to be mightily pleas'd, that Charnock was bang'd out of the way; who had (says he) more Brains and Ability to do mischief than all the rest; that is, he was able to discover the Top Conspirators, and all the Parts of that execrable Plot, which our Author has reason to think would have done a vast deal of mischief, for then several of his true Friends and Patriots must have gone the way of all Flesh: but tho he rejoices that Charnock went off so seasonably, yet he's no Enemy to the Posthumous Letter that bears his Name, which I'll play against twenty of his Legion Letters for Villany and Treason; but being the pretended Works of the Dead, our Scribler is loth to speak ill of it, or to rank it amongst the Number of his Libels.

French Mo-
ny dis-
pers'd
here by
C. Tallard.

Our Author, who is one of the Scribes of the Party, has confess'd to us a very important Truth we could never get out of them before; he owns, that great Sums of French Mony were dispers'd by Count Tallard. So that now all Parties agree, that French Mony has been distributed among us; and then he promises us, That when Mysteries are reveal'd, we shall know who receiv'd it. This is no great Mystery in the general, because we all know what sort of Men 'twas paid to; we only want a Revelation of the particular Persons, in order to lodg proper Impeachments, which may be prosecuted without affected Delays.

Enemies to
England
recom-
mended
to
publick
Posts.

I'll only take notice of one Passage more, where our Author turns Politician, and lays down this as certain for a Maxim of State, viz. That they, whose long Experience in publick Affairs gave them knowledg of the Methods employ'd by France in former Reigns to enslave Europe, are best able to prevent his Designs in this. If the Repetition of the same French Methods will now save Europe, we are in a fair way to it, and may have the Assistance of such, who by long Experience know the Efficacy of those charming Methods in which they have always concurr'd, and been so long and so well paid for it by his most Christian Majesty, that he may be assur'd Count Tallard is not more his own than they have vow'd themselves to be; and we may from the Effects conclude, that they have of late had a double Portion of his Bounty, when 'tis apparent more hath been done in Europe for the Benefit of France in the Revolution of twelve Months last past, than all the French and Popish Interest were able to accomplish during the whole Course of the two last Reigns: and if he has no other Maxims to defend his Patriots by than such as these, he may as well put them into Bears Skins to mend their Shapes, which are monstrous enough already. Yet after all 'tis not very decent to accuse France of any ill Designs against England, when the Court of France hath of late express'd a very great tenderness for us; they praise our Constitution, study the Law of Impeachments, admire the P——t, and drink their Healths: And when the first Princes of the Blood hath done us the Honour to feast a worthy Member, these are Obligations not to be forgot.

I have exceeded my first Intention, which was only to reprint these Sheets as a sufficient Reply to our Author: for all that can be said to him or his Party are but Words lost; they are past Conversion, and only reserv'd for the steady band of Justice, when it shall please God to free us from the Cheat and Deception we are under, that the Weight of our excellent Constitution may at last prevail against the Enemies of the State, and grind them to Powder. I shall add no more, only join in the common Supplication now in every honest man's Mouth, That God would deliver his Majesty from the Malice of his Old Enemies, and from the Treachery of his New Friends.

The Present Disposition of England considered.

ALL thinking Men are sufficiently employ'd with the Consideration of the present Posture of Affairs in *Europe*, which are now come to such a Crisis, that it must be acknowledg'd all former Apprehensions of Danger from the Greatness of *Spain*, and the House of *Austria*, or from the growing Power of *France*, when the *French* King march'd in Person to *Utrecht*, and had almost possess himself of the seven Provinces, are in no degree equal to the present melancholy Conjunction. The Union of *France* and *Spain* (for so I must call it) hath a very dismal Aspect, and tends to the Ruin of *England*, *Holland*, and of the Empire too, and of the whole Protestant Interest. The Calamity is like to be so universal, that all *Europe* ought to be alarm'd, and exert their Wisdom and Courage to divert the Blow, and shelter themselves from it, as from a Common Destruction.

Tho the Emperor seems to be more nearly concern'd for the Interest of his Family, who are depriv'd of a Succession they had reason to hope for; yet this Union of Power, by the Situation of their Dominions, the Concern of Navigation, and the Interest of Trade and Commerce, doth more immediately affect *England* and *Holland*, who perhaps may be the first that will fall under the sad Effects of this surprizing Conjunction.

The Press, both here and abroad, affords us every day Reflections upon these things; and those that write for the Liberty of *Europe*, generally agree in the same Topicks, that it's the Interest of *England* to enter into more strict Alliances than ever with the Emperor, the *Dutch*, &c. for the common Safety of Christendom, and to chastise *France* for the Treachery of its Conduct, and bring the *Spaniards* to repent of their hasty Submission. The necessity of this is very obvious: But then a thinking Man will at the same time revolve more distinctly in his Mind the Posture of Affairs, Domestick as well as Foreign, that the greatest things move by Springs unseen; and that a Wise Man in erecting a Fabrick, not only considers the Cost, but also the Materials, what Instruments are proper to carry on the Building, and what Rubbish is to be remov'd.

We may believe the Emperor to be in good earnest; yet the Power of his Arms abroad will be much weakned, unless at home he give Tranquillity to the Protestants in *Hungary* and in other parts of his Dominions, and also calm the present Differences amongst the Princes of the Empire: But above all his Imperial Majesty must exclude the Jesuited Zealots from having any Influence in his Councils; they look on the *French* King as the Champion of their Cause, and are so bigotted to the Church, that they will now more than ever favour the Interests and Designs of *France*.

The *Dutch* understand their own Interest so well, and are so apprehensive of their danger, that there's no room to doubt they will concur in every thing that may secure them from the Desolation that is at hand. But as their Fears are very great, so their Humors vary, and their Apprehensions are very much divided. The *Love-stein* Party, and others amongst them, are for temporizing with *France*, and gaining time; and their Maxim is, *That Princes must die, but Commonwealths are permanent*; and if they can but weather the Storm till this King of *France* is in his Grave, they think themselves out of danger. This Humour of theirs is very much influenc'd by the Opinion they have of us. In the last Reigns we had lost all Credit amongst 'em; and they were more afraid of the Treachery of *England*, than of the Arms of *France*: they look'd upon our Court to be the Nursery of Falshood, and treated our Ministry with the utmost Diffidence, and always suspected our Integrity. It was this Unsteadiness at Court that made *De Witt* tell Sir *William Temple*, *That since Queen Elizabeth's time there hath been a perpetual Fluctuation in the Conduct of England*, that there was no taking Measures with them for two Years together. And Don *Pedro de Ronquillos* (who understood *England* the best of any foreign Minister of his time) us'd to say, *That the Air at Whitehall, of all Worldly things, was the most variable*.

Since his Majesty's happy Accession to the Crown, the States by their Conduct hitherto have shewn that in this respect their Sentiments are chang'd. Their good Opinion in this point we ought now to preserve for our own sakes as well as theirs; for if they find us under the Direction of a Ministry bred up in the late Reigns, 'twill shock them beyond measure. The most jealous part of their Government is the City of *Amsterdam*, whose Power is so great, that it may be said they have the Purse in their Hands. The Uncertainty of *England* hath always given that City a Bias towards *France*. The old *English* Ministry is to them an Abomination; and they would sooner incline to put the Marshal *de Boufflers* at the head of their Troops, and the Marquis *de Torcy* to preside in their Assemblies, than willingly discover the more intimate Secrets of their Government, or trust the Movement of their Affairs at a time of this Importance, to any of the Emissaries of the two last Kings. No Argument can (nor indeed ought to) prevail on them to enter into Confidence, and join Counsels with those, who at their first setting up for Statesmen list'd themselves into the Conspiracy then on foot for the Destruction of the United Provinces, which was to be the Prologue to the Ruin of the Protestant Interest, and the Liberty of Mankind.

Motives of
the happy
Revolution
here.

Evil Coun-
sellors.

This hasty View of the Domestick State in the Empire and *Holland*, smoothes the way for us to consider how we stand at home, what Disposition we are in, and how prepar'd to secure our selves, or assist our Neighbors. This will best appear by looking back to the Motives of this Revolution. Those first solid Principles that give birth to a Government, ought to be preserv'd in the Administration of it; for that secures the Vitals, and sends Life and Vigor to the remoter Parts.

His Majesty, in his Declaration from the *Hague* the 10th of *October* 1688. tells us, That those evil Counsellors that had then Credit with King James, had overturn'd the Laws, Liberties and Religion of the Realm, and subjected all things to an arbitrary Power. And therein enumerates the villanous Advice and Practice they were guilty of, not only by secret and indirect ways, but in an open and undisguis'd manner; that the Affairs of the Church were put into the hands of Persons who accepted a Commission manifestly illegal, and executed it contrary to Law; and that one of their chief Members had abjur'd the Protestant Religion, and declar'd himself a Papist; that the same evil Counsellors took the same Methods with relation to Civil Affairs, and particularly procur'd the Parliament to be dissolv'd, when they could not prevail with the Members to comply with their wicked Designs. And therefore the Declaration tells us, That his Majesty came over with a Force sufficient to defend himself from the Violence of those evil Counsellors. This Declaration was seconded by the Resolutions of the States General the 28th day of the same Month, who thereby declare they assisted his Majesty, because King James by ill Counsel, and guided by his Ministers, attempted to subvert the Fundamental Laws and Religion of the Nation; and that being in a strict Alliance with the French King, if he should obtain an Arbitrary Power over the People, those two Kings would then endeavor to ruin *Holland* as well as *England*, out of Interest of State, and hatred to the Protestant Religion.

The States were so hearty and zealous, that they not only came to this brave Resolution, but order'd Monsieur *Roseboom* their Agent to deliver the same to all the Foreign Ministers then residing at the *Hague*. From which we may observe, that both the King and the States level'd their Force directly against the Ministry, who were then tearing up the Government by the Roots; and thought the first step to our Deliverance was to blast their Interest and Designs, that (as the Declaration says) there might be no danger of the Nation's falling at any time hereafter under Arbitrary Government. The Lords and Commons in the Convention were of the same opinion with the King and States; and therefore in their Declaration of Rights and Liberties presented to the King and Queen the 13th of *February* following, they declare that King James by the Assistance of evil Counsellors and Ministers employ'd by him, did endeavor to subvert the Protestant Religion, and the Laws and Liberties of the Kingdom. By all which it is manifest, that one of the Principal Motives which inclin'd his Majesty to assist us in this happy Change, was to traverse the wicked Advice and Counsel of the Ministers of the late Reigns, and that the same Reason govern'd the States in their Approbation of the Design, and was also one of the first Considerations that mov'd the Lords and Commons in the Settlement of the Crown; for indeed nothing is so dreadful for a Nation, as to see their Ruin manag'd silently in the Cabinet. The Poison of evil Counsel shed deliberately upon a People, is most difficult to be expel'd. All Ages give us Instances of Princes betray'd, and Kingdoms overturn'd by the Craft and Falshood of ill Ministers, when they have once gain'd Credit to have the bold Advice they give behind the Curtain, put in Execution upon

upon the People. This State we were arriv'd to in the late Reign, and nothing, humanely speaking, but his Majesty's glorious Expedition could have sav'd us from the wretched Condition we were brought into, by the execrable Politicks of the Ministry then in Power.

So that the Design of this Revolution being to secure our Laws and Religion against the Counsel and Intrigues of ill Men, the Foundation of it is solid, and built upon Justice and Truth; and therefore Men of *English* Principles, and of Affection to this Government, out of Judgment and Conscience, are the only Instruments proper to serve the Crown at all times under this Settlement, but more especially in times of Difficulty. The Ministry of such Men will render the King victorious in time of War, and happy in time of Peace. Such a Ministry will repose the Minds of the People, will raise the Spirits of our Allies, mortify our Enemies, and make the Fatigues of the Government and the Toils of War, to his Majesty not only supportable, but easy.

Design of the Revolution to secure our Liberties, &c.

And 'tis no small Felicity for us to consider, that the Experience of this Revolution hath furnish'd his Majesty with such Marks of Distinction, that he can hardly err in the Choice of such as are sincere to his Affairs, and may be rely'd on at all Hazards to be steady to his Interest, jealous of his Honor, and affectionate to his Person. And here it may not be improper to be more particular in the Character of the Persons fit to be chose for such a Purpose.

Inform'd his Majesty who fit to be employ'd.

If we but turn back, we may see immediately who appear'd most zealous in the Convention for the Settlement of the Crown, that by the strength of their Reason, and justice of the Cause, subdu'd the Regency, and put the Crown on the King's Head, and who in the next Parliament recogniz'd his Majesty in the most emphatical Terms; and who those were that oppos'd both the Settlement and Recognition, and were so treacherous in their Opposition, that they had the Confidence, with a *French* Air to pretend, they thought it for his Majesty's Interest, to let the Matter sleep, and not encourage the Recognition. We may likewise easily remember, who those Men were, that on all Occasions declar'd, and avow'd his Majesty to be *Rightful and Lawful King*; that maintain'd his Title, and were ready to justify it with their Lives, and who would never suffer it with Patience to be blown upon by the corrupt Breath of any of the State-Impostors, and baffl'd all the silly Arguments which the Chits of the late Reigns, and their Pupils were capable to rally upon that Subject; tho it must be own'd they took a great deal of Pains on this Head, and exerted the very Essence of their Spleen and Resentments, in opposing so Fundamental a Truth.

Those most ready to settle the Crown.

Then let us consider, who supply'd the King during the Course of the late War, who fought his Battels at home, which imported his Affairs more than all his Battels abroad; who rais'd vast Sums, created Funds, studied Expedients, and stretch'd the very Sinews of the Nation to support his Majesty, and secure the Government from the Violence of his open Enemies, and the Treason of his Domestick Foes.

And supply'd the King while abroad.

Who were those that appear'd most affectionate, and were most tenderly touch'd upon the Discovery of the Plot in 1695. who promoted the Association, and other good Laws that then pass'd, and that were for going into the Examination of it without reserve; who were those that prest to save *Charnock*, because he knew all, and offer'd to discover; and who those were that solicited without ceasing, to get him hang'd, that they might stop his Mouth; who were those that were Advocates for all the Jacobite Traitors, and that stifi'd the Discovery, and procur'd the Names of those to be conceal'd that were concern'd in it, or that had got Pardons, or made Terms with King *James*: by which abominable Practice all future Plots are in a manner protected from being discover'd, and ill Men encourag'd to act against the Government without Fear. And if the Enemies of our Peace may always go on conspiring, without enquiring, and still find themselves secure, altho it be discover'd; and if Crimes of this nature must grow up to an Impunity, there will quickly be an end of all Law and Government.

And were most touch'd on Discovery of the Plot against the King.

Who were those that heartily enter'd into the voluntary Association, and never yet fail'd of giving sincere Marks of their Loyalty to the King, and of a true regard to his Interest: and who those were that confidently refus'd to join in that common Security when the *French* were at *Calais*, and only wanted a Wind to cut our Throats; and that were not only contented to shew their personal Aversion to our present Security and Settlement, but us'd their Rhetorick and Interest to debauch others from their Duty to their Prince, and their Love to their Country. One instance of

Who heartily enter'd into a voluntary Association.

it we cannot omit: When the House of Commons had appointed a Day on purpose for signing the voluntary Association, the Avenues to the House were that morning beset, and several of the Members not left to the freedom of their own Wills; but the little Arguments, and Address of the Party were made use of to dissuade them from signing the Association; and one Eloquent Gentleman amongst them had studied the Point for this Occasion, and fram'd an Opinion to startle the more unwary: And here 'twill be no Digression, to render his Position in the Words he had dress'd it in: 'By the Statute of *Hen. VII.* the Subjects are indemnified in taking an Oath to, or fighting for a King *de facto*; but the Association is not within the Statute, but an Overt-Act of Treason against the King *de jure*, and punishable as such when he shall be restor'd. This Opinion had some effect on Gentlemen that had not Law enough to perceive the Nonsense of it; tho perhaps this might pass for a Maxim in Law, if we were under the Discipline of the last Reigns, when *Scribere was Agere*, and Thinking was Treason.

Who not
fit to be
employ'd.

Who were those that endeavour'd to disguise the *Lancashire Plot*, and would have turn'd it on the Government, had not the truth of it been confirm'd in the detection of the General Conspiracy. There are some Men that have appear'd so audacious in all these Instances, that one would think they had either no Brains, or no Foreheads. They treat the King with the Character of *Usurper* and *Tyrant*: 'Tis no matter what Opinion they have of his Title, but they bely their own Experience to call him *Tyrant*. 'Tis his mild Reign hath made them so insolent: and had but the ordinary Course of Justice been let loose amongst them, they had not been so considerable either in Court or Country, and his Majesty would have had less Trouble, and been more safe. When the Grand Plot was discover'd, they entertain'd us very remarkably; at one time they told us, that now all was discover'd, and the Government was safe; at other times they very gravely pretended, that so many were engag'd in it, that 'twas advisable to connive, and not prosecute it any farther. I am sure, if the Conspiracy was so formidable that 'twas dangerous to enquire into it, 'twas much more dangerous to let it alone: the Journey-men Plotters were executed, that the Principals might escape; and what reason there was to spare so infamous a Generation, and what hopes we can conceive of their Repentance and Behaviour for the future, may be determin'd by this one Consideration, That after the Attempt at *la Hogue*, and other repeated Treasons since this Revolution, his Majesty was graciously pleas'd the 3d of May 1695. to give the Royal Assent to the last Act of Indemnity; and but three days after, as appears by the Evidence, they had a solemn meeting to consider how to murder him and destroy us.

I don't aggravate this Matter out of a desire of Punishment or Blood, if we can be safe without it: But I would not have his Majesty's Speech to both Houses, Feb. 24. 1695. so soon forgot, in which he was pleas'd to observe to us, That by the good Providence of God, and our own prudent Endeavours, the Discovery of the Plot might be so improv'd, as to become a sufficient Warning to us to provide for our Security against the pernicious Practices and Attempts of our Enemies. And I would fain have the World rightly inform'd, that they may distinguish the true Patriots of England from the false; and if we have any French Nobility or Gentry amongst us, let us shew them to the People, that they may become the Scorn and the Contempt of Mankind. It is not impossible but we may have a *Porto Carrero* in England too, that may one time or other deliver us up to France, as he has done Spain; and his State-Craft be as pernicious to us, as the other Priest-Craft has been to them.

Supineness
in prosecut-
ing Plots
the ready
way to our
Ruin.

Nothing in Nature can more contribute to undo us by such a single Hand, than to be supine and indifferent, as we have been hitherto, when Plots against the King's Life, and other publick Treasons have been hatch'd, and the Discovery manag'd with a cold Prosecution, as if the Spirits of the Government were frozen up: These things don't happen by accident, there must be secret Springs to dispose this Matter, but Mysteries will be reveal'd; one Benefit still remains to us, that these are fresh Treasons, and not yet pardon'd: and whoever dares advise another Act of Indemnity, till our Security is more visible, must do it at the peril of his Head.

After these more publick Marks of Affection to the King and Kingdom, by which Men ought at this time to be distinguish'd, we may come to other Particulars, which will discover to us what sort of Men have been most useful in their Generation, and shewed the most Application and Skill in supporting the Government since

since this Revolution, in giving Credit to our Affairs, and supplying our Wants in all Emergencies: We may consider what sort of Men in the City, and of what Principles, were the most liberal and hearty in their Loans to his Majesty upon every Occasion. To this add those that projected and wisely establish'd the Bank of England; a Design so happy, and so seasonable, that the naming of it is sufficient to bring to our remembrance of what use it was to the Government: It was at one time the very Prop of our Affairs, and for that reason all the Force and Zeal of the Party was collected to blow it up, or to sap the Foundation on which it stood.

Bank very useful to England.

The next thing that occurs, is, To consider the miserable Condition we were reduc'd to by the Clipt Mony, and rise of Guineas; no Story can furnish us with so dismal an Example: Here our Enemies thought they had us safe, and they judg'd pretty right; for if the currency of the Clipt Mony, and the monstrous bulk of Guineas had not been overcome, they had been sure of our Necks under their Feet. Why then consider who were the Persons that attempted this stupendous Work, who were those that were for the recoining of the Clipt Mony, according to the establish'd Standard of the Mint, both as to the Weight and Fineness, and for bringing down Guineas to their intrinsic Value.

Clipt Mony made us miserable.

Then consider, when we were under all these severe Difficulties, when we wanted Exchequer Bills to pay the Army and Fleet, all Trade was at a stand, and we had not Mony to go to Market, who were those that promoted that admirable Expedient of the Exchequer Bills, which supply'd our Wants whilst our Silver was in the Mint, and rais'd a new Species amongst us, and came as seasonable as the Manna in the Wilderness. Those worthy Patriots that toil'd under these Extremities, and endur'd the Heat of the Day, ought to have the Fresco of it too: but none of the mark'd Cards of the late Reigns, or their Adherents, had any hand in these things; to save a Nation, and to supply the People, to redress their Grievances, and make them easy, is what they never understood. These Pioneers of State are only fit to break down Inclosures, and prepare a Rout for the march of Arbitrary Power.

Exchequer Bills an admirable Expedient.

The Age is so polluted, that we ought likewise to consider who are those that appear to have the cleanest hands from Bribery and Corruption: We may content our selves with that one instance of the Old East-India Company, in 94 and 95. All the Proceedings in that Matter are upon the Journals of Parliament, and sufficiently known. I'll only observe that in that dark Business, their own Committee have reported, that on the 31st of October 1694. the Ballance of their Cash-book was 124279 l. 15 s. 10 d. which their Cashier a little time after could give no account of, but in a few Notes. Besides this there were Contracts for Stock to the Value of 67383 l. 1 s. 6 d. which was stock-job'd up and down, and after very great Loss again transfer'd to the Company's Account; and that also upon the Company's Account of Charges General, there was 103165 l. 15 s. 5 d. paid out of Cash in six Years, beginning at 1688. of which the Committee were never able to obtain any further Account, than that the same was paid from time to time for special Service. Is it not surprising to find the disposal of such great Sums to remain a Secret to this day? Now consider who were those that endeavour'd to defeat this horrid Corruption, and that have batter'd the Old Company for their Treachery to the Publick; and who are those that were justly suspected to be concern'd in it, that have been perfum'd with the Spices of the Old Company, or season'd with their Salt-Peter, and have always advocated for them. A Society of Men that have such vast Sums at their disposal, and will distribute it to ill Purposes, may endanger the Constitution, and they are doubly Criminal; for they that will give Bribes, will take them, they only throw Water into the Pump that the Springs may rise the faster.

Those who took Bribes not fit to be employ'd. Old E. Ind. Company guilty of Bribery.

The two Houses of Parliament were justly alarm'd at this Matter, and shew'd their Resentments of it as far as Evidence did guide them: The King himself express'd his Royal Displeasure against the Company and their corrupt Practices, in a remarkable Exception in the last Act of Indemnity, which you'll find in these words: 'Also except out of this present Act all Offences in giving or promising, or in receiving or taking, or in accepting of any Promise of any Sum of Mony, or other Gift, Reward, or Gratuity for the procuring, or assisting in procuring of a new Charter, or Charter of Restitution to the East-India Company, or a Charter for the regulating of the said Company, or in order to the obtaining or promoting an Act of Parliament for confirming the East-India Company: Or in order to prevent or obstruct the passing of one Act of Parliament for erecting, or

Excepted by K. W. in the Act of Indemnity.

‘ for settling a new *East-India* Company ; or in refusing to give Evidence, or declare their Knowledge touching any of the said Offences, having been thereunto lawfully requir’d.

Such Precedents in-
fections.

Precedents of this nature spread like an Infection, and dispose Mens Minds to consult their own private Advantage, when the Publick should only be consider’d : and from the highest Places of Trust to the meanest Employments, by such pernicious Examples Men are led into Temptation, to take and give Bribes till the Traffick is become universal ; and then they discard all fear, because they think in the multitude of Criminals there is Safety. Unhappy is a Nation when arriv’d to this pitch of Corruption ; ’tis more fatal than War, Pestilence or Famine. But ’tis hop’d the Wisdom of the Nation will in time check the Progress of this Malignity ; ’tis already so inveterate, that we seem to want Commissioners of Enquiry establish’d by Parliament, with power to send for Persons, Papers and Records, and to examine whomsoever they think fit upon Oath : some such Authority would be much more necessary to the Government than the Commissioners of Accounts.

Prudent
Choice of
Ministers
the first
Care of Go-
vernment.

These short Hints may easily distinguish Mankind, and demonstrate who are Persons of Integrity to the Government, and who are not. The first Care for the Publick ought to be the prudent Choice of publick Ministers and Officers, upon which the very Being of a Nation depends ; and therefore according to the Hands we are manag’d by, we may best judg what Disposition we are in at home, and how prepar’d to secure our selves, and assist our Neighbours. If the Ministers and Agents of the last Reign, or any of those that in this Reign have made Terms with *France* or *King James*, or got Pardons to secure them in all Events, gain a Credit at Court ; it will make us weak and impotent at home, and expose all our Affairs to the attempts of our Enemies, who by this means will penetrate into our Counsels, and be able to subvert the most prudent Measures that we can possibly take to defend our selves and offend them : For their Hatred to *England*, and their foreign Engagements will make them sedulous to destroy us ; and Malice is always more vigilant than Friendship. Besides, all those that promote or espouse such a Ministry, oppose his Majesty’s solemn Resolutions express’d in his Declaration, and maliciously endeavour to elude his Royal Engagement, when his Majesty was graciously pleas’d to declare to the House of Commons, upon their presenting the voluntary Association, *That as they had freely associated themselves for the common Safety, he did heartily enter into the same Association, and would be always ready with them and the rest of his good Subjects, to venture his Life against all who shall endeavour to subvert the Religion, Laws and Liberties of England.* For such a set of Men are mortal Foes to these Princely Inclinations, and will rather hurry the Government from one rash Act to another, till they have set the whole on fire. We must never expect Peace or Security from those who assisted *France* and *Rome* all they could in the late Reigns, to ruin our Peace for ever ; they have always been the Fomenters of Discord, and think only to make themselves useful by perplexing our Affairs ; their Inclinations and Designs are so transparent, that Dulness it self may see thro it. If *Moses* had took *Egyptian* Counsellors to advise with for the deliverance of *Israel*, they had perhaps been in bondage to this day ; and tho *Achitophel* had never hang’d himself, ’tis not to be imagin’d that good King *David* would have made him a Privy Counsellor.

Union a-
mong our
selves ne-
cessary.

This nice Conjunction, and the variety of Circumstances it affords us both at home and abroad, and the consideration of our own Safety in particular, and that of all *Europe* in general, require the best Disposition possible amongst our selves, and a Temper of Union and mutual Confidence, that nothing may be done to give Umbrage to an honest and well-meaning People, or create any Distrust in them to hinder the free Scope of their generous Inclinations, which have always tended to assist his Majesty to the utmost. This happy State is necessary to animate our Affairs, and strengthen our Constitution, that our inward Vigour may be sufficient to supply any Land or Naval Force that may be expedient on this occasion ; that whether his Majesty be oblig’d to an open Rupture, or to enter into any Treaty with *France* and *Spain* in conjunction with his Allies to secure the Peace of *Christendom*, he may execute it with Power, and be free from all the clogs of Diffidence and Jealousy at home. And such a Condition will add weight to Counsel and Actions either in Peace and War : for when a Government is secur’d and strong within it self, ’tis not liable to the Impressions of an Enemy, or the Accidents of War ; and without this inward quality it may be said to have the Form without the Power. In order to which, the Intention of our present Settlement ought to be pursu’d in all the Administrations of it, and the Measures we fall into adjusted to

to this end, that the Proceedings of the Publick may be adequate to the excellent Design of the Revolution, which can never be accomplish'd but by the steady Progress of Affairs, intrusted in the hands of Men of Fidelity to the Government, out of Principle as well as Interest, without shifting from side to side, like a sick Man in a Fever. The People will think themselves safe, when they see matters in such a Posture, and the constant Management of such a Council; and when by this means they grow easy and secure, all repining will be laid aside, and they'll cheerfully assist whenever the Government wants the Aid either of their Persons or their Purse: and whoever advises other methods, either do not understand *England*, or don't love it, and will at the long run be found to be blind Guides, and mere Empiricks in Policy; or what is worse, they will appear to have no Friendship to the King's Interest, and to carry on purposes destructive to the Nation.

This Proposition may be explain'd to us in that one Instance of the late Lord Chancellor. The King and People were equally happy in the Justice, Integrity and excellent Abilities of that Noble Lord: his Affection to the King, his Zeal for the Publick, and his Regard to the Constitution, were Qualities that had fill'd his very Soul, and entred the *Compositum* of his Being; and yet this great Man was remov'd from the King's Ear, and Prince and People depriv'd of his Assistance, at the only time when he might have been most useful; the Smiles that were seen at *St. Germain* on this Change, and the Delight our Adversaries took in it, are apparent Marks that this Jog to the Nation was manag'd by the dark Intrigues of the old Enemies of our Peace, tho'tis not difficult to trace it up to the Contrivers. It is well known, if that Noble Lord had left the Great Seal behind him at *Hampton-Court*, they had prepar'd for us an *Irish* Successor, whose Phiz and Conscience has no simily but that of his Patrons. Time, the Mother of Truth, will convince us that the removal of this Noble Lord was by the Advice and Counsel of false Friends, who have no mind to see *England* in such a good Disposition, that it may be a Terror to our Enemies, and the Support and Comfort of our Allies.

When the Rubbish of the two late Reigns is remov'd, and the Kingdom rightly dispos'd by the Choice of a good Ministry, all the Parts of the Government will be cherish'd by the florid Humour of the People, which will result from their Satisfaction in this Point: but above all we may thereby promise our selves the more security to his Majesty's Royal Person, on whose Life under God is our dependance; 'tis the length of his Days must establish our Prosperity, and save us from Gunpowder and Blood; 'tis this Sacred Life all good Men pray for: This ought to be our daily Thought, and our peculiar Care; and this Consideration alone comprehends all others, and calls for our unweary'd Vigilance to see the King's Safety no more put to hazard, but to wish and endeavour that his Royal Person may be surrounded with Men of unquestion'd Loyalty, that love and honour him for his own sake, and that pay a due Veneration to his Princely Virtues, that are for establishing his Crown in Peace, and for promoting the Lustre and Glory of his Reign, that under his auspicious Government we may lay the Foundation of a lasting Prosperity to poor *England* for Ages to come.

If we consider how often his Majesty's Life hath been in danger, and what a short length our Succession is reduc'd to, with what Concern and Anxiety of Mind must it possess us, having always reason to apprehend the Practices of our implacable Enemies? Their Malice is in perpetual Motion, either in Action or in Consult, poisoning the World with the Hellish Opinions they shed against the Government: their Libel of last Summer under the name of *Charnock's Letter*, is the most execrable Paper that ever saw the Light; the poor Duke of *Glocester* was hardly cold in his Grave, when this Monster came wet out of the Press; it impudently acknowledged all the late Plot, and defends the intended Assassination as a thing lawful, necessary and just. The Author tells us, the Publication of it was reserv'd to a proper Season: as soon as the dear young Prince was dead, and thereby one of the Branches of our Settlement cut off, that it seems was the proper Season to spread this Doctrine of Devils, and to raise the infernal Spirit of the Party to murder the best of Kings. He likewise tells us, 'That such Offers formerly made had always been rejected by King *James*: but (says he in the last Leaf) it may be reasonably presum'd that what his Majesty (King *James*) had for some Reasons rejected, he might not be displeas'd at the doing of it another time when his own and the publick Good necessarily require it. We were good Husbands in the King's Absence, and only offer'd a Gratuity of one hundred Pounds for the Author, and the same for the Printer; but we hope the Parliament, that commands the Purse, will

be more liberal on this occasion, and propose a Reward that may tempt some of the Villains to turn honest, and discover the accurs'd Hand from whence it came; for the detection of it ought to be follow'd to the utmost degree, and means us'd to find it out, tho it were printed in the Moon.

King's
Safety to
be provided
for.

We can never be too jealous of the King's Safety; and every thing we do for the security of his Royal Person, will give new Life and Credit to our Affairs, and add to the good Disposition we ought to have at this time for the Benefit of the Nation. This is that which should imploy all our Activity and Zeal, and make us contend earnestly to see all Places of Trust executed by Men, whose Hearts are intirely devoted to the Service of his Majesty, and that will shake off all Commerce with the old abdicated Ministry.

Settlement
of the
Crown ne-
cessary.

We might mention another very great Point which is also necessary to render our Condition at home firm and lasting, and that is, To make some further advance in the Settlement of the Crown, and to extend the Protestant Succession before it be too late; which will extremely contribute to the Security of the King's Person, and put us out of the reach of our Popish foreign Pretenders, whose Hopes mightily revive with expectation that our Settlement will be spent, and then they'll take care to supply it for us, to the eternal Loss of our Constitution, and of all our Enjoyments. But this weighty Point must be intirely left to the Wisdom of the King and Parliament, who are only fit to determine what is proper to be done in this matter for the Support and Honour of the Crown, and for the Interest of the People.

An Account of the Debate in Town concerning Peace and War.

Printed
in 1701.

In Letters to a Gentleman in the Country.

The First LETTER, Containing Reasons for a Peace.

S I R,

IT's strange that you, who are so capable to serve your Country, should keep from Town, at a time when possibly this Nation has not since the Conquest stood more in need of the Counsels and Assistance of honest and able Men. I still persuade my self that you'll come: However, if I must write to you, pray allow me to do it with Freedom, and even to differ from you, if that must be. I am not surpriz'd to find you somewhat positive in your Opinion, with relation to the present Debate; suffer me to tell you that it's hard for a Man that's shut up in the Country, at this Season of the Year, from Conversation, not to be (if I may speak so) of his own Opinion; that is, of the Opinion he likes best. By abandoning himself to his own Thoughts, he becomes a Prey to his Inclinations: One side of the Question turns favourite, and then like all Favourites it's too late to inquire whether it deserve to be such or not. But I am glad you are not yet so far gone: For tho your Reasons you say are unanswerable, you desire to know impartially what is said for and against your Opinion; by which it seems you yield that Reasons, in appearance unanswerable, for an Opinion ought not always to determine a Man to it; which I fear many do not advert to soon enough in the present Debate, otherwise

otherwise they would not be so positive in the beginning of the Week, but leave room for changing their Mind before the end of it, as it daily happens here to Gentlemen come from the Country. The truth is, this is a Matter of such Weight, and so much to be said on both sides, that it requires Time and a mix'd Conversation for a Man to have the whole Matter before him, that he may be able to judge of it; and even then he'll find, that he cannot come to a Resolution, by pretending to answer the Reasons of either side, but by weighing those of both. Which Method, since you agree to it, I shall follow, and try if thus you and I can come to be of a Mind: For if upon ballancing the whole Matter, we, who I hope have nothing before our Eyes but the Merits of the Cause, cannot agree; what is to be expected of Bodies of Men, who being in Parties, have different Views and Interests?

Sir, That I may execute what I've propos'd as impartially as I can, and to save my self the trouble of a Collection, I've had a long Conversation with Mr. P. who is violently for a Peace: and when I shall have given you an Account of what pass'd with him, I intend to wait on Mr. R. who is as eager for a War; and in my next, write you what he says. I've pitch'd on warm Men, because, generally speaking, they are more sincere and communicative than others. Mr. P. tho he be warm in Discourse and tenacious, has cool Thoughts, and is far from being rash in resolving: and tho he be full of Anger and Regret for many things, for which some Men mistake him as if he were not now for the present Constitution, I assure you they wrong him; and People should be cautious in using an Argument, which if it hold, will prove, that the Constitution or the Government at least, has but few Friends.

I told him frankly, that I came to know his Mind in the present Debate; he said with all his heart, he was glad to know my Opinion, and to tell me his own.

For my Opinion, I told him I was for a Peace; but that I was afraid a War would be found necessary, and would gladly know from him if it was not so. Oh, said he, I understand you! you are for a War, a War is necessary, and what's necessary must be; it's in a word, all that's to be said: what's more, is certain Reasons to prove this Necessity, which no doubt I had ready in my Pocket; for they were industriously spread all over the Town; and it's like I came to have an answer from him to them: But said he, I'll both disappoint you and surprize you; for instead of taking your pretended Necessity to task, I'll suppose it at present. Then, said I, you have yielded the Cause. No, no, reply'd he; if a Physician tells his Patient, that such a thing is absolutely necessary for his Recovery, which the Patient tells him is impossible to be had, is he nearer his Health for such Advice? If I make it appear that a War in the Circumstances this Nation is in, is impracticable, you your self must withdraw your Necessity, and find Answers to your Proofs of it; or conclude, that the Nation is in a desperate State, that is under a Necessity of making a War, which it is in no Condition for. God forbid, said I; a War may be full of Difficulties, and yet not impracticable. And so, said he, there may be many strong Reasons for a War, and yet a War may not be necessary. Well (said I) pray let me have your Reasons against it: My Reasons (said he) are all taken from the Circumstances we are in.

In the first place, we are in pieces among our selves, and tho we were so during the late War, it's the longer the worse: and there is something odd and singular in the Matter at present, that makes an essential difference with respect to War; then one sort of Men had the whole Business in their hands, and the other was made to submit. Now in all Appearance one Party is to reign at Court, and the other in Parliament: So here's a sort of War at home; to which if we add a War abroad, what fine Work shall we make of it? No (said I) the common danger will unite People, or former Expedients will be renew'd. The Siege of Jerusalem (said he) did not unite the Jews, tho none of them ask'd or expected a King from the Romans: And when the whole Art of Government has consist'd so long in making use of Factions, how is it possible on the sudden to come at the Art of putting an end to them? And as for Expedients, they are worn out, the Charm of them lost; some might come into them for their own ends, but all Men saw through them. Nothing is more useful than Expedients; but when the Artifice is visible, they are like Stratagems that are not to be practis'd often by one General.

However (said he) to show you how fair I am, I will suppose, that the common Danger (or what you please) shall either unite us all in a vigorous War, or make us acquiesce in it. But then I will ask you a plain Question: Have we either Money, or Credit, or Men, or Conduct for a War; such a War as this must be, one in good earnest?

Calculati-
on of the
Charges of
a War.

earnest? No Man is more against halves than I am; and tho my opinion be against a War, I will join as heartily in it if resolv'd on, as any Man in the Nation; for I am convinc'd, that whatever is to be done that way, must be done by a short and vigorous War: but this is the Sum of all my Reasons against a War, that we are not sufficient for it, such as it ought to be. Upon this he pull'd out of his Pocket a Paper with a Computation of the present yearly Charge of this Nation to the Government, the Fleet, the Forces, and the Debts; to which was added the necessary Sums for making our Fleet a hundred Ships of War, and for fitting out or hiring two hundred other Ships; for increasing our Troops in England, to 20000 Men, and for sending beyond-sea for Troops and Negotiations, 5000000 l. yearly; all which he judg'd necessary in Case of a War: And because the Money must be yearly advanc'd, and in order to this the Credit restor'd, there is in the Paper an Article of what he reckon'd sufficient for paying the Current Interest, at least of the present Deficiencies, and of such as the Government could not well shun hereafter, by Allowances of high Interest, and the sinking of Funds already given, or to be given. I cannot remember Particulars; and it's like that Account will be publish'd: But upon the whole, supposing that the Charge of the War will not amount so high, and that Retrenchments and Rebatelements may be made on some other Heads, still 'tis a frightful Sum, and I was struck with it: Which being observ'd by him, he took me by the Hand: My Friend (said he) you that are a great Warrior are not to be too soon discourag'd, if Surprizes are not fair in the War between us. I'll give you time to recollect your self: pray read over the Paper again, which I did; but when I began to lessen some Articles, Come (said he) I have too much Advantage from the Cause, I need not use it: Take down half a Million, and how much remains? I told him still a prodigious Sum. But are not you satisfy'd (said he) or have you any thing to say? I own'd to him I was confounded, and could only hope there was a Mistake somewhere. Nay (said he) if I to please you yielded the necessity of a War, it's hard if you will not for your own War's sake, yield the necessity of a Sum, which you can find no Objection to. But to go on, where is this Sum to be found? Is it not to be had? Had I consider'd, that the vast Paper Credit, and the prodigious Sums that high Interest had brought from aboard, had given us a deceitful Opinion of our Riches, as if our Losses by our Coin and in our Trade, and by the Charge of our Troops abroad during the War, could have fill'd our Pockets. But supposing the Money can be had, for I will be as easy to you as possible, pray how is it to be rais'd? Say what you will, I'll hear you. I own, said I, there are great Objections to a War, and this is the greatest of all; but tho I don't think we are so rich as we take our selves to be, I hope the Sum mention'd, or near that Sum, is to be had, and that the Parliament will find ways to raise it for a Year or two, at least to have it advanc'd by allowing high Interest: for tho we run into a great Arrear, it's no matter if in such a time, which is to be presum'd, an Effort be made with so great a Sum sufficient to procure us a safe Peace: But I frankly own that if the War continue longer, I don't see how that Sum can be had, unless all ranks and sorts of People will retrench whatever is superfluous in their way of Living; and even supposing this, I don't see how it can be rais'd but by a universal Excise, or by taxing the Land equally. It's to be hop'd that great Dangers may exalt Mens Minds, and bring them to great Resolutions. All this indeed gives but a melancholy Prospect, but we had better pursue any Prospect of Safety than tamely acquiesce in Ruin.

Necessity
of raising
Money.

Here he told me, that he believ'd I had said what the Cause could bear, and yet had in a manner yielded all that he pretended, that the War was a desperate Remedy; for, says he, you are forc'd in case the War continue above a Year or two (and who can hinder that) to recur to Suppositions that have no other Foundation than bare Possibilities. He went on, that tho what was said of the Difficulties about the Money was alone sufficient to show that the War was impracticable; yet to render those Difficulties more insuperable, he desir'd me to suppose a total Interruption of Trade: For now that we were to have neither French nor Spanish Harbors, that is to say, none that were of any defence from Flushing, to the Morea, except in Africa, and that probably the French would turn all their Maritime Strength to a Pyrratical War, for which even the Spaniards were sufficient; nothing in case of a War would be more advisable than an Imbargo on all Trade, since in such Circumstances we could not otherwise hope but to lose more than to get by it. Thus the Customs, and some other Funds too would sink: and not to mention the Losses of the Merchants, who by turning their Money in the Funds,

can take Reprisals on the Publick, what shall the poor Tradesman do, when all Manufactures will be at a stand? Now, said he, you think I have said all; but to undeceive you, pray add to the want of Money, and loss of Trade in your War, the probable (to speak modestly) want of Success. Hold, said I, Success is in the Hands of God; to whose Favor (to speak modestly too) we have as good a Title as our Enemies. Not to dispute your Title, said he, which you do well to speak comparatively of, Success is indeed in the Hand of God; but God uses Means, and for the most part visibly prepares them for his Ends.

Now I design to know of you who the Men are, on whose Probity and Capacity this Nation can rely, either in the Management of foreign Negotiations, or in the Command of Troops: We have been in as great a War, and in as much foreign Business of late, as ever this Nation was; and yet we are as much to seek for *English Men* to be at the top of either, as ever we were: this seems incredible, but whoever thinks it so, which most Men will do at first, I desire them to think again. Tho' I'm convinc'd of the Truth of it, I should yield even that Truth incredible, were it not of a Nature that it can neither be conceal'd nor evaded. The Cause of this is not hid to Men of Understanding; I wish it had been as manifest in time, as the Effect is now. There were, no doubt, and are still, many brave Men in the Army, who by this time might have been capable of any Command: But had they Opportunities allow'd them to give Proof of themselves? Were they suffer'd to exert themselves? Were they trusted? Were they countenanc'd and encourag'd? Was there any distinction made, when Men serv'd well or ill? Was not a certain passive, slavish, whispering Disposition, which may be call'd Toolship, and which (with the late unnatural Writer's leave) is diametrically opposit to the Spirit of a true born *Englishman*, tho' it be his; for I am still in love with those Words: Was not, I say, this Toolship, and not Merit, the known Standard of Preferment? *Hinc illæ lacrymæ.* Others were crush'd, born down, and had Mortifications for their daily Bread. Tools had their Business, Tools were put over them: What then could Men of Spirit do, but follow as they were led, that is, turn Tools in earnest, or by feigning to be such, deceive their Superiors, and slip into Preferment? Now as to Foreign Business, I would gladly see a List of *Englishmen* that since the Revolution have had any share in it; it's known the Secretaries have not yet got farther than the necessary Forms. And those sent abroad upon that Pretence, own for the most part that they return as ignorant as they went, the Business being in other hands. Thus such Employments that were formerly the School to train Men up for great Posts, are not now sought after by Men of Spirit, and in vain would they ask them. Such have them as are willing to be without the Secret, or incapable of it; Little Creatures, who it's like are not known at the Courts where they reside, since they are not known in *England*. This has been an extraordinary Year: A wonderful Revolution in *Spain*: Great Negotiations at *Vienna*: A new Dignity in *Brandenburg*: The Kings of *Denmark*, *Sweden*, *Poland*, and the Czar of *Muscovia* in War. Now who is so learned as to be able to give the Names of our Ministers at those Courts? And would the Matter be mended if they were nam'd; were not the naming them a Reflection? And all this in an Age of Heroes, who tell us, they have put into the hands of this Nation (those very hands) the Ballance of *Europe*. Heroes sure; since one of them, the Great Commander and Great Politician too (for a Hero must be every Thing) as his late Renegado-Panegyrist makes him, could whisper away whole Kingdoms and Provinces, which neither he nor his Master had any Right to dispose of. We have often laugh'd at the Pope's Partition of the *Indies*, but here is a Partition of his Lordship's that will make the Child unborn to cry.

Here I interrupted him, and beg'd that he would abstain from Reflections; this was not a Season for them, and the Business was too serious for Raillery; we must forget what's past, unite and look forwards. Nay, said he, will it not be enough to forgive what is past, but we must forget it too? That were to approve it. Can we prevent the like in time to come, and not remember what we would prevent? And do you in your Conscience think, that to unite with such Men (as for instance with the Great Negotiator) as have brought the Nation amongst Precipices, is the way to bring the Nation out of them? Are they, or he, and his sole *English* Friend the Panegyrist, things of such Importance? You are still warm, said I: I'll yield to you, that without reflecting, or determining where the Fault lies, the *Dutch* are not fit Schoolmasters for the *English*; the way they take with us, and the way to be taken with us, are as opposite as Fire and Water; and there seems to be something incom-

incompatible between their Genius and ours. Nay, said he, you don't consider that this is a higher Reflection than any thing I intended. I am not against the Dutch, but against some Dutch, who upon the Revolution got into Posts (God knows how, or why) far above them; and having ever since appropriated to themselves the Secret in all Matters of Moment, have kept out of Business as much as was possible all others, but little tatling Tools of their own primitive natural Size. This I take to be the main Root of all our Misfortunes: but as for the Dutch in general, I have no design to reflect on them, I know they suffer as much by this Bias to Tools as we do, and are as sensible of it. They are a sober industrious People, of the same Religion with our selves; whose Country is a Sanctuary for Truth and Liberty, which they have bought dear, and I believe will not sell them cheap; and we owe to them a great deal for the Revolution, which we should not forget now, that they are next the Danger as we were then: Mistake me not, tho I be for a Peace, I am far from the Thoughts of abandoning them. No, said I, if it be so, I've still hopes of you; and now that you are in a good Humour, pray let us talk of Remedies for all this. Remedys, reply'd he, That's the Work of the Parliament; it's a Jest to expect a Remedy from whence the Disease comes; such Men are incapable of being convinc'd of their Errors; and were they sensible of them, they are not of an Age to mend. Speak to them, they'll tell you that it's impossible to make any thing of Englishmen; one would think to hear from 'em that they have discover'd something incorrigibly wrong in our Make, which they despair to mend. They are indeed so far in the right, for such as they can mend nothing, since with 50 Millions English, and I know not how many Millions Dutch, they have not form'd as many Men, either English or Dutch, for the great Occasions we are speaking of, as they have Fingers on their Hands. Nay, if we engage in a War, they have not one Man English or Dutch to oppose to the *Catinats*; nor had they any in the last War, but were forc'd to recur to *Waldecks*, *Schonbergs*, and *Vaudemonts*; and yet the *Netherlands* were formerly the School for Training both us and other Nations for War: such are the fatal Consequences of Toolship in favour. But to go on, not only we have no Officers fit for Great Commands, but we cannot come at those that are capable of being made fit for them, unless we settle a New Band of Pensioners, for a Retreat to Generals, Lieutenant-Generals, &c. You think I mean such as are no longer fit for War, but I mean indeed such, both Dutch and English, as were never fit for it. I own, said I, that we were unhappy in the last War; but that may have been our Misfortune, Chance presides in nothing more than in War. Misfortune, said he, Pray give things their true Names: Are Misfortunes Uniform, and of apiece? Are they Regular and Periodical like Eclipses? Had Chance govern'd, we should have had more lucky Hits. The few we had, were indeed the visible Effects of Chance; for we came by them by the Bravery of the Soldiery, and of the Subaltern Officers, in a manner without Authority. Upon the whole matter, you must own that we cannot reasonably expect any other Conduct than we have seen, and consequently no other Success than we have had. Our Mismanagements are the necessary Effects of inevitable Causes; we may lament them, but cannot hope to remove them. I have insisted the longer on this, because I think the Despair we may be in of Success, is a most unanswerable Objection to a War. The Authority of a Parliament may go far to dispose the Nation to submit to their Burdens and Losses: *But what Remedy can they find for no Conduct, unless they take into their own Hands the Management of the War?*

The Dutch
must be
preserv'd.

Want of
Generals
among the
English and
Dutch.

Mis-
managements,
and ill
Conduct,
have ill
Success.

Here he breath'd a little, and having recollected himself, I think, said he, I've said enough, if it were put together, to give you your melancholy Prospect in its full extent: Pray then consider; A load of Taxes, such as this Nation never felt; no Trade at all, or less than has been known in the Memory of Man: Fewer Men fit either for Critical Negotiations, or great Commands, than we use to have in the time of the profoundest Peace; Factions stated as it were to make a War at home, with a Party-Spirit that will sacrifice all things to it self: A general want of Esteem and Respect for Superiors, without a possibility of restoring their lost Credit: Jealousies and Fears in the Hearts of the best, and best-affected Men; and a growing Opinion amongst good People (for Reasons which I've shun'd to mention) that we have not God with us. And for a finishing Stroke, join to all this bad Success, that is, such Success as we can reasonably expect.

Here he stop'd a little, and then added; Now that you have thought on this, pray reflect a little with me how the Treaty of Partition hath turn'd the Spirit of the Spanish Nation against its natural bent, tho the Grandees only had an Interest at

stake,

stake, and that the Body of the People could feel no more but the Indignity done them; of which Indignity the House of *Austria* was innocent, and yet thus it seems must all on the sudden lose its Interest in that Monarchy, tho' rooted there these 150 Years, and fortify'd with all the Enmitys, Prejudices, Aversions, incompatible Maxims, Customs, Tempers, Fashions and Interests, with respect to the French, that can possibly alienate one People from another. Now if nothing of this is to be depended on, when a People is only provok'd and irritated; What is to be depended on, or expected from a People in the Case I have propos'd, but that like a Man drowning, they'll catch at a Feather, at any Shadow that will flatter them with hopes of an Issue? You know too, there is an Opinion at bottom, with more Men than is generally believ'd, which will spread as the War presses, and at last come above board; an Opinion, I mean, of an Expedient at hand. I understand you, said I, and can assure you, that the Parliament will not fail to provide against what you mean: but upon the whole Matter, you have touch'd me in the sore Part; I own my self a true Servant of the Revolution, and tho' I've Eyes to see that which I am sorry to see, and which is but too too visible, nothing can shake me from my Opinion of the Cause, or from my Inclinations to it. It's a Noble Cause, the Cause of Truth and Liberty; and tho' it may perish in the hands of the present Generation, it will find hands to revive and prosper in. If those who had the Honour to be its Chief Instruments, have prov'd unworthy of that Honour; and instead of suffering the Cause to justify them (which only could do it) have by their bad Conduct, and crooked Desires, brought Infamy and Reproach upon it: If that, I say, be the Case, may then *the Works of Darkness come to Light, and that which is whisper'd in Corners be proclaim'd upon the House tops, that the Cause may be aveng'd on such Men, and not suffer for them.* My concern is, That this Nation and all Europe may, I fear, come to drink of a Cup that's none of their filling. And pardon me to tell you still, that I know no Remedy for this but a vigorous War, and that no Difficulties whatsoever are a sufficient Objection to it: But so far I own you have mov'd me, that I wish, with all my Soul, any other Remedy could be found out. O! said he, That's the Work of a Parliament; I promise you, that if they find none but War, I'll be of your Mind. And I promise you, said I, if they find any other, I'll be of yours. Thus we were parting, when one came in who engag'd us again in a Discourse on the same Subject, which will surprize you; but I can write no more at present.

*Cause of
the Revolu-
tion a no-
ble Cause.*

London, Jan. 20. 1701. I am, &c.

Second LETTER:

O R,

Reasons to believe that the Court is not for a War.

S I R,

I Hope you have had my Letter, and no doubt you are much pleas'd with Mr. P's Discourse for a Peace; he has indeed said a great deal: but pray suspend your Judgment till our present Case, and the greatness of the Danger be laid before you; then I am apt to think the bad Condition we are in to struggle with it, instead of making you and other honest Men tamely submit to it. (which is the plain English of a Peace) will excite in you, and the whole Nation, a Spirit of Union and Resolution suitable to so great an Occasion. But I've not yet had time to discourse Mr. R. and it seems the French themselves in a Week or two will put the Necessity of a War out of doubt. You must be contented at present with an Account what pass'd further before we parted, and which I told you would surprize you: For, as I am

inform'd, many of you Gentlemen in the Country, who see things only at a distance, flatter your selves that the Court is at the bottom of all this noise of the Necessity of a War, that they would have an Army again, and so lay hold on the present Juncture to blow People up with Fears and Jealousies of imaginary Dangers, for which you fondly hope there's no ground. May the Lord open your Eyes before it be too late; we here in Town, far from being influenc'd as you fancy, know not what to make of the Court, know not what they are for, nor what they are against, nor indeed whether they are asleep or awake, as you shall hear. The Gentleman, who I told you came in as Mr. P. and I were parting, is one Mr. S. Mr. P. had time enough to whisper to me that he was an honest Man, with whom we might talk freely. After the ordinary Civilities, and some discourse about Election, we insensibly return'd to our former Subject; which gave occasion to Mr. S. to tell us, that he was now satisfy'd the Government was against a War; which, said he, looking to Mr. P. you will be glad I know to hear. For my part, said Mr. P. I have been all along of that mind; however I am desirous to be confirm'd in it. I my self, reply'd Mr. S. began to suspect it, when upon the French King's accepting the Will, I saw nothing done but the Measures, resolv'd on the last Summer of dissolving the Parliament, and calling a new one after the Holy-days, pursu'd: I know the Juncture was pretended; but that Reason came too late for a Resolution older than it self. If a War had been design'd, the Court had chang'd their Measures; tried immediately the last Parliament, and finding them capable of vigorous Resolutions, suspended for once the Triennial Act upon so great an Occasion, which could have made no dangerous Preparative, since it is not probable the like will ever happen: and had they found themselves mistaken in their Expectations from the old Parliament, no time was lost for having a new one; if, as they pretended, a new one could not be sooner had than we are now to have it. Whereas, as they have order'd the Matter, the whole Winter is lost, and all the Courts of Europe abandon'd to the Negotiations of the French; and they have been preparing for a War, while we were wrangling at Elections. Why, said Mr. P. did all this make you only suspect the Matter? Was it not sufficient to convince you? Is the putting off the Parliament, and the design of a War reconcilable? at least, could those that advis'd the one have the other in view? And tho at first there was a Rumour of the Court's removing in haste to *Holland*, and envoying elsewhere their little Statesman upon mighty Business; was not all this hush'd in a Moment? And ever since, can you tell me of one word said, or one thing done that tends to a War? For the Great *Aglionby*, I suppose, is not sent to make War, but to convince the Regency in an amicable manner, that they have (I'll warrant you) mistaken the Partition. And had a War been intended, would not care have been taken to pacify the Scots, whose unanimous Resolves show their present Disposition, which, tho not to be regarded when we have only them to deal with, sure deserves our Consideration, if we have to do with such a vigilant Enemy as *France* their old Ally?

The Intention of the Court about a War uncertain.

No appearance of making War.

Dutch Troops made Prisoners of War in Flanders.

And now if we look further; pray what was done in order to bring off the Dutch Troops that are in *Flanders*, which I fondly thought had been Masters of the Towns where they are in Garison, as a Security for what the Spaniards owe the States? But I am told by Officers, that they are upon the matter Prisoners, and may be us'd as such, if there be no secret Concert engaging the French to be more mannerly. But which is yet of more moment, what Provision have we made, we and the Dutch, for securing our Effects on board the Plate-Fleet in case of a War? We could formerly send to attack the Dutch *Smyrna* Fleet, where we had no Effects, and against the Law of Nations; for we had only resolv'd on War, and not declar'd it. But with *France* there's no Law of Nations, since there's no Publick Faith, and they often make War without declaring it; and if we be still nice, we need only seize our own, and charitably let go the rest. Here I interpos'd, and told Mr. P. that he must pardon me if I mistook him, which my fondness to have him of my Mind might occasion; for to tell the Truth, I could make nothing of all this, if not that he was angry with the Court for not taking Measures in order to a War. Did I think, reply'd he, they really intended a War, I would never forgive them their losing the Winter, without entering into Measures for it; but will shew you, that such a Conduct in the Court is ridiculous and incredible.

No care taken to make War, or prevent Losses.

I think I have sufficiently made it out, that they are not for a War, knowing it to be impracticable; and therefore have taken no care to prevent Losses, which after all in case of a War had been for the most part inevitable and irreparable. But, said I, tho I were of your Mind, I should think the Government had done better to have

have made at least a shew of Resentment, and threatned a War to get the better Terms of Peace. My Friend, said Mr. P. the Treaty of Partition has put the Crown of *Spain* on a French Man's Head, tho it was made (at least according to the Letter of the Treaty) to prevent it. Shall we make another foolish Experiment, and by the Appearances of a War (which we neither intend, nor can make good) force the Spaniards to put *Flanders*, and their whole Strength, in the hands of the French? And when that is once done, instead of fighting at *Breda*, the Frontier of the new Confederacy, we may come to have there another Treaty of Restoration. God forbid, said I: Nay, said Mr. P. I am as much against it as you are, and indeed more; for tho you mean otherwise, I fear you are taking the way to it. But pray tell me, said I, at this rate of Arguing, had we not better have own'd the Duke of *Anjou* from the beginning? for our bare not owning him may fright the Spaniards to put *Flanders* in the hands of the French, as it seems they will, if there be more than Complement in their Offers. Look you, said he, I am so unlucky, that even when I agree with the Court upon the Matter, as I do now; yet I cannot approve of their Manner, which usually is unintelligible, at least to me who am a plain Man and no Politician: for one would think that upon the Acceptation of the Will, either they were for a War, or not; a superior Genius never hesitates upon great Occasions, true Magnanimity is at a point in a moment, and values not Consequences; and indeed to do nothing in matters in which no time is to be lost, is to lose the time of doing any thing. If their Point was no War, what had they to do but to send immediately (not their Partitioner) but for once an able Man into *Spain* to own that King, to renew the Alliances, to encourage the Regency, and hold them firm to the true Interests of their Country? Or if there were not room for this, to spare no Charge nor Industry to form a Faction upon that Foot. But if the Point of the Court was War, why were not all Measures imaginable immediately thought on and prosecuted in order to it? and in particular another able Man (if we have two) sent into *Germany* to concert Matters with the Emperor, and in competition with him to have made sure of the Elector of *Bavaria*, by giving him *Flanders*, or what he pleas'd, that with his 6000 Men, and the 12000 Dutch, the best Towns might have been secur'd, and a stand made till Troops from *Holland* and *Germany* had come to their Assistance. This had look'd like doing Business, and would have inspir'd Men with Hopes and Courage; but the doing of nothing one way or t'other sinks Mens Spirits, and with what I have told you hath convinc'd me, and many others, that nothing is to be done by way of War; it looks as if there were a great Defect or Secret somewhere. You'll say, I know, that all depends upon a Parliament: and who can foresee what a Parliament will do? whereas I never saw a Parliament that would not hear Reason, at least the strongest of Reasons, an evident Interest, when right Methods were taken with them. I'll suppose a Session open'd with a Speech, letting them know that *Flanders* was thus in our Hands, and that Vigour and Dispatch were necessary to keep it, and carry on the War; otherwise the Towns must be surrender'd to the French: Was there ever such a Monster of a Parliament in being, as in the Circumstances we are in, would have been for parting with those Towns? I own, said I, there's but too much Truth in what you say. However I still hope there is something doing under-hand, and that we dissemble all till we compass it. For to return to our Point, tho neither Resolution nor Judgment as yet appears in the Conduct of the Court; I cannot after all bring my self to believe, but that they are for a War; Courts love Armies, the King is grown old in Camps: What other Views can they have? How can they think themselves safe? I know People talk oddly; but supposing what you please, What hold can they have of *France* that they can depend on? Were King *James* himself here again, could he trust to *France* if the present State of Things were once acquiesc'd in? I don't conceive what's to be said to this, unless we will suppose that God has abandon'd our Court to a Spirit of Infatuation. Shall I add here that which is more powerful in the Minds of Men of Spirit than all Considerations whatsoever, which is, that if they discover themselves capable of putting up the Indignity and Affront done them, they will sink in the Opinion of all Mankind? It's now, said Mr. S. high time for me to speak; these are the very Arguments that stuck with me, and that I have been trudging about Town with now this Month: But pray hear first that which I have to add to what Mr. P. has said, and which I intended to have told you long ago, but that he interrupted me. I beg your pardon, said Mr. P. your concluding with Suspicions from plain Proofs warm'd me.

The Partition Treaty, what it has done.

Time lost of doing, and the Consequence of it.

Mr. S. went on, That the Reasons I had given, and such like, had long blinded him, and that he too had flatter'd himself, that the Court was in some great Design underhand, which they were careful to conceal. But now, said he, such and such Men, whom he nam'd, declare against a War: And is it to be imagin'd, that they know not the Secret? And if they know it to be in favour of a War, how came they to declare against it? Their own or Party-Interest may make them not for it. But if a War be intended, this should not make them against it openly, but rather endeavour underhand to prevent it, by rendering it yet more impracticable than it is, or they have made it. This, I own, is of great weight with me; and now that I reflect on it, how came the Court, if they design'd a War, not to make a stop in their Party-Declarations, till they should have seen which way the Elections turn'd? As to that, said Mr. P. they hop'd, by so doing, to turn the Elections as they inclin'd; but it has had a contrary effect, which is a Subject that I would recommend to their most serious Thoughts: They are under the Infatuation you have mention'd, if they do not see how Matters stand with them; and if they have brought it to this in time of Peace, sure they are wiser (tho I have no great Opinion of their Wisdom) than to venture on a War. But pray, said he, turning to Mr. S. come, tell us here what you have to say to my Friend's Arguments, which stuck so long with you? To the last, said Mr. S. which I reckon the strongest, I have this to say, That if at Court they judg a Peace to be for the Interest of England, nothing is more heroical than for a Prince to sacrifice his Resentments to the Good of his People: and tho it be hard even for private Men, that are Men of Spirit, to prefer their own Interest to their Resentments, and much less the Interest of others, and that we see few Princes capable of this; yet so it is in Fact, that his Majesty dissembl'd his sense of the insolent Rejoicings made by Authority of Paris upon the false News of his Death at the *Boyne*, and of all the villainous Contrivances of that Court to assassinate him, and struck up a Peace as soon as it cou'd be had; and since the Peace, hath even humor'd the *French*, to the no small disgust of the Allies; judging, it seems, that absolutely necessary for the time. The other Reasons are strong against such underhand Concerts with *France* as are talk'd of, and what I don't believe, for how can that be? Tho I am sensible enough that there's more at bottom than we shall be let into the knowledge of. But I may add one thing, that the Court's being for a Peace, is the way to persuade many People of the truth of such Concerts, who otherwise would never have thought of them: It's commonly talk'd already, that the Court will not, may not break with *France*. I remember, said Mr. P. That when the Negotiator return'd from sowing those Seeds of Jealousy by his endearing Embassy, great notice was taken of his extravagant commending the *Pr. of Wales*, as if he had been in Love with him. This, with some other Imprudences in him and his tatling Crew, and Reasons of more weight not to be mention'd, have given a Jealousy, even to Men of Understanding, that he was Partitioning for more Princes than one; the Truth of which God knows, I don't. When People, said I, are angry and uneasy, it's usual to abandon themselves to Jealousies and Fears, for which there's often no more ground, than for trusting to Prophecies and Dreams, the other Refuge of weak Minds. How, said Mr. P. you are severe upon us. Pardon me, said I, no more than on my self: for I trust to you, that if I were once fully convinc'd that the Court is for a Peace, I wou'd grow jealous too; and yet, Mr. P. you think this no good ground of Jealousy.

But to return to our Point again; If the Court incline to a Peace, it's like they apprehend, that in case of a War the Parliament will take the Management of it into their own hands: Yet I am still apt to think the Court is for a War, but are upon the Reserve, in order to leave the whole Matter to the Parliament. And, Mr. P. if you be in the right, that if the Court had not discover'd their Inclinations before the Elections, the Elections had been more to their Mind; have they not reason upon so critical an occasion, to keep their Mind to themselves? I suppose too that they were willing the Parliament should not meet, till both the Regency of *Spain* and the *French* Court had made such steps as were necessary to render the Parliament unanimous in their Resolutions: For nothing less than Union upon a full Conviction, with suitable Vigour, can answer the present Occasion. Possibly too, the Court foresaw, that if the Parliament had met sooner, they had been for taking their share in the War by Sea only; whereas now the Parliament may come to be of the same mind with the Court, that an additional Land-Force will be necessary. If the Court be for a War you have hit on it, cry'd Mr. P. and now I understand

K. W. dis-
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Jealousies
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stand the meaning of the Whispers of some great Men (I would say some Men in great Poss) within these few days, to wit, that even in order to a War, the Advice of putting off the Parliament was the best Advice that could be given. All I shall say, is; if that was the Intention of such Advices (which I don't believe) they had need of broad Shoulders; but if the reason of their Advice was, as I hope it was, that they were in the Secret, that *France* will without a War give us all the reasonable Securities that we can hope for by a War, their Advice will be an honor to them.

But now, turning to me, do you approve of those Politicks you have mention'd in the Court, in order to compass a War, such as you think they would have? No, said I, I am far from doing it, such Methods never did, and never will do in this Nation. We are an open downright People, and will be dealt with accordingly. I wish with all my Heart the Court had immediately call'd the Parliament, and taken such Measures as they had found the Parliament ready to enter into. The Parliament would have by degrees (as the Scene open'd) come into all that was necessary; and by this time of the day our Preparations had been in a great forwardness.

I am, and ever was of Opinion, said Mr. P. that when there are no Designs at the bottom, but such as can bear the Light, an Administration may be carry'd on aboveboard; and that it is the true way with this Nation, where mysterious Proceedings fill Mens Heads with Jealousies, which, if once rooted, are not easily remov'd, but go on to a height, as we see it happens. For ever since the dark Conferences in *Flanders*, and the manner of the Peace that came next, which was follow'd with the Dissolution of all Union and good Understanding with the Confederates, and with all the Appearances of the greatest Confidence and closest Friendship imaginable with *France*; when at the same time the Persecution of those of our Religion in *France* and elsewhere increas'd, without any visible Concern of ours, and both God and Man seem'd to have abandon'd the Protestant Interest everywhere; all thinking Men being struck with Astonishment, have trembled in the dread of a Catastrophe. Upon this out comes first the Partition, and now the Will, and the Lord prepare us for what may come next; we are evidently under some fatal Aspect that has prov'd too strong for us in time of Peace. If, this notwithstanding, the Parliament in their Wisdom find a War to be the Remedy, I submit; and so we parted.

England left the Confederacy to the King with Fran.

Now, Sir, I hope I have done Justice to Mr. P. I can remember nothing material that is forgot, if not that he insist'd much what it was that we pretended to by a War; which Question I shall put in its full extent to Mr. R. who, I doubt not, will as fully answer it.

Another thing is what he said he had from a *Scotch* Gentleman the last Week, in the Debate in Parliament there, about an Act for asserting their Right to *Caledonia*, which it seems the King, in his Letter to their Parliament, had told 'em he cou'd not consent to without bringing on a War. It was urg'd that now the Scene being chang'd, and a War probable upon much weightier Accounts, no doubt his Majesty was at more freedom. Upon this the Commissioner told them, that he had fresh Assurances from his Majesty, that he was more straitned in that Matter than ever he had been. This needs no Commentary: And to be plain with you, however I talk in Company, I am fully satisfy'd that no War is intended; but that Alarms from Abroad, and Despondences at Home, will be suffer'd to go on, till all Money-Credit be lost; so that when the Parliament meets (which seems to be the Scheme) however necessary a War may be, it will be indeed impracticable; and then more Partition-Paper, and every thing else that can be undone, when others shall have capitulated, and Order is put to the Affairs of *Spain*, must be accepted of by this unhappy, deluded, and abandon'd Nation.

London, Jan. 24th,

1701.

I am Yours.

LETTER

LETTER III.

Against the Partition-Treaty.

S I R,

I Have receiv'd Yours, and find what I expected, that you are mightily pleas'd with Mr. P. he is warmly for a Peace, and lasses the Court, and that's enough to make him your Favourite.

I met yesterday with Mr. R. whom I fear you will not like so well; for he is the Reverse of the other, eager for a War, and in his Place, tho' not in his Judgment for the Court. I left with him Copies of the two Letters, and desir'd him to have his Reasons for a War, and his Answer to Mr. P. in readiness; for the one without the other would rather perplex than determine you.

This Day we met, but he told me he was afraid we must take another time: For Mr. S. said he, whom I perceive you know, and who is but gone to the next Room, has fallen upon me for the Partition-Treaty. He left us in the last Parliament, and join'd with the other Party; yet he's an honest Man, tho' warm, which is my fault too, and I think the Disease of honest Men: However I hope he'll join with us, and be for a War: Let us hear him patiently, if you please. The Partition-Treaty (said I) is the present Subject of Debate, I'll give it the preference with all my heart. And your Friend in the Country, said Mr. R. will be at no Loss; for after what is writ already for War I can but repeat, nor is there now any more arguing in Town upon that Subject. The Matter stands, as Mr. P. states it; a War is yielded to be necessary, and sticks not at want of Mony or loss of Trade, which he did not insist on, but at a Remedy for no Conduct, Toolship, and Eclipses, &c. Could Men forget the Management of the last War, and hope for a better, we should be all of a Mind; but there's the Difficulty.

*Plausible
Reasons for
the Treaty,
but not so
solid.*

Since Mr. S. stays so long, I'll resume in the mean time how far we had gone: He begun his Discourse, that I and the other Place-Whigs (as he calls us) were resolv'd to maintain the Wisdom, or at least the Honesty of the Partition Treaty, in order to save the Grand Partitioner, and to make our Courts; and that some one or other of us was the Author of the Letter to a Member of Parliament in December last, in favour of that Treaty; which Letter, he said, tho' writ with all the Art and Beauty imaginable, and in which all is said that can be for the Treaty, instead of profelyting him and others, has confirm'd them in their Detestation of it. For, said he, if such Painting, such Softness, such ingaging Insinuations, with all the Turns and Colours that could be thought on, cannot cover the Deformity of it, how ugly must it look if it be expos'd naked to the Eye of the World? How weak and desperate a Cause must it be, continu'd he, that forc'd so excellent a Pen to have recourse to Artifice, to Disingenuity, to Prevarication; nay (which is harder for a Man of Sense) to trifling, and contradicting himself, tho' he had nothing to deal with but the weakness of his Cause, or a more favourable Adversary, one of his own framing? So far Mr. S. had proceeded, and was just going to let a loose at the Treaty, when he was call'd for. I own he surpriz'd me with some Instances he gave of the weakness of the Letter; for, to tell you the truth, it had charm'd me. It's true I had read it but once, and in haste. Upon this Mr. S. coming in, I told him that I was inform'd of what had pass'd, and hop'd my Company wou'd not hinder him from going on.

*Prevarication
charged on the
Treaty.*

Then, said he, to lose no time, I'll begin with an Instance of gross Prevarication in this Matter. To take People off from the pursuit of the Treaty, and give them a false scent of all that has happen'd, is imputed not to the Treaty, but to the Breach of it. The Perfidy of the French is exaggerated for having lost to Europe the Blessings of so valuable a Bargain: whereas the Treaty, tho' it had not begot the Will, or that the French had not accepted the Will, wou'd alone, if executed, have ruin'd Europe, by undoing the Balance of it: But the Prevarication lies here; they conceal the secret Article with the Emperor for maintaining his Right to the Succession of Spain, upon which chiefly he came into the Business of the Revolution.

Could

Could any thing less than the securing that Succession to his Family, have made so Catholick a Prince as he is join in the throwing out of a zealous Catholick King, and in the destroying the Hopes and Prospect of settling again that Religion in these three Kingdoms?

Thus without shame they upbraid *France*, or are willing to seem to do it with breach of Faith; tho they are conscious that by their Partition they are guilty of a more inexcusable Violation of it to the Emperor, than the *French*, by accepting the Will, are to them.

The Article was a Bargain, and we were paid for it; if we recede from it, we should at least make Restitution. But the Partition was in pure Complement to *France*, if we may believe Count *Briord*, who tells us, that we stipulated nothing to our selves in it; and as *France* might have declin'd to accept of our Complement; why may they not renounce that which was done singly as a Favour to them, if they can do better? Or after all, if there was a secret Treaty (for *Briord* speaks only of the publick one, and a secret one there was) as the foresaid Letter shews; or a secret Understanding with something at bottom, some return for so much Love and Kindness, which uses to be mutual, for securing to *France*, upon all Events, *Lorain*, *Naples*, *Sicily*, &c. an Equivalent for the Loss of the Ballance of *Europe*, and the Loss of all Honour and Reputation: If this be the Case, which I pray God it may not be, and if *France* be still willing to make good their part, to make good to us this Secret, this Equivalent, sure we cannot well complain that they have made no farther use of the Favour we did them by the Partition, than to compass the Will with it. The Article I have mention'd is one of the two secret Articles (*Separati Articuli*) belonging to the Grand Alliance of 89, and which my Lord — your Friend will no doubt call for, if he advert to it. For he still speaks *English*, notwithstanding the Contagion of other Languages. We have (said Mr. R.) an Answer that takes off the strength of this. Pardon me, reply'd Mr. S. if I doubt it: I never knew an Objection so industriously conceal'd when there was a good Answer to be given to it; but you shall be heard, let me go on now.

The next thing I charge the Managers of this Debate with, is manifest Disingenuity in stating it, as if there had been a Necessity of having either the Partition, or the Will, in order to have a handle to extol the Partition as preferable to the Will: whereas the Truth of the Matter is, there was no necessity for either of them; but on the contrary, both might and ought to have been shun'd or prevented, as being both pernicious, because both infer the Loss of the Ballance of *Europe*: Nor are they otherwise to be compar'd than as two Diseases equally mortal, of which one kills sooner, and the other later.

But what had *Europe* to do with any mortal killing thing? What had we to do after the Peace, but to renew the Confederacy upon the receiv'd Original Foot, the true Bond and Center of Union, I mean the preserving the Ballance of *Europe*, by preventing the Growth of *France*, whether by Wills or Partitions, or any other manner of way? Were we instead of this to abandon the true Interest of *Europe*, our own Interest, the Interest of Religion and Liberty, the Glory of our Family and Cause; to abandon our old Friends and Confederates, and to enter into Treaties and Friendships with the Enemies of *Europe*, our own inveterate Enemies and Assassins, who were already engag'd (as much as we could fairly engage them) by the fourth Article of the Treaty of *Reswick*, to assassinate no more? Treaties contrary to divine and human Laws for the disposing of that which we had no Right to dispose of, contrary to our Faith given, and to the common Rules of Honour and Humanity; since it was a disposing of the Inheritance of a Friend, and of a living Friend, which even the Heathens would have made void in Law, as containing *Votum captandæ mortis alienæ*. Accordingly God has blasted all, and we are now a shame and burden even to our selves.

How dar'd the Grand Partitioner by his criminal Conferences and Embassy, bring his Master into such a Bargain? Can he answer for it either to God or Man? A Master, whose great Glory it is to have maintain'd these thirty years with Hope against Hope, and his Sword the Ballance of *Europe*. Is he made to give it up with the dash of a Pen? And so kind a Master too thus us'd, who since the Revolution hath given him a drudg of a Servant, for trifling and whispering, for spoiling Business, and bringing Clamour on the *Dutch*; that which, barring Resumptions, would have prov'd, or will prove more than his old Masters the States had for venturing their Army and Fleet to compass it. Yet it seems all this must go for nothing; he will needs have his Revenges even for Looks that go elsewhere, no Partition here, nothing

thing less than the intire Will, a Monopoly of Favour can satiate the insatiable French waspish Thing; who, if these Nations be undone, has undone them, his own Master, and his own Country to the bargain.

Pray, said Mr. R. now that you're almost out of breath, tell me calmly what's the Quarrel you have all with him: Mr. P. too was constantly at him. Why, reply'd Mr. S. no private Quarrel I assure you, but the publick one. And to convince you of this, provided he'll do one thing to save us, and which it's in his power to do, I'll ingage that Mr. P. and I shall contribute for a Statue to him. Lord! reply'd Mr. R. what can that thing be which he can do to save us, and please you?

Great Ser-
vice done to
France by
the Treaty.

It is, said Mr. S. barely to let us know the Secret of the Partition, the depth of such infamous Friendship with France: it's a Jest to think we have done so much for nothing; had we been sworn Brothers bred together, and the Ties of Inclination fortify'd by a long train of mutual good Offices, what could we have done more for France, than we have done since the Peace? Well, supposing all this true, said Mr. R. and that he proving as bad one way, as you have made him another, should discover it, how would the Discovery save us? Why, answers Mr. S. we should know where we are, and upon what Ground we stand, and what Measures to take if we were once convinc'd that the fatal Charm is over, which we can never be unless we know it. But to proceed:

Manner of
Treaties
considerable.

My third Objection is to the Manner of that Treaty. They seem to yield, that the Foundation of it was laid at the Conferences. They hope thus to render it plausible and necessary, as if the Peace, or at least so good a Peace, could not have been had without it. But this cannot be so, for it's known the same Offers had been made long before the Conferences; and whatever France got by the Conferences, the Confederates got nothing by them but Misunderstanding and Disunion. However, supposing what they pretend, that a Partition was consented to at the Conferences, here is Dishonour and Breach of Faith in the very Foundation; for by the Grand Alliance nothing was to be treated of, even in order to a Peace, without the Knowledge and Concurrence of the other Confederates, and much less for dividing the Succession of Spain, which we were to preserve intire to the Emperor.

It is cer-
tainly in
without
our Coun-
cils.

Add here, that the Treaty, as it was begun without the Confederates, so it was carry'd on without the Concurrence and Advice of any Englishman. I do not call one's bare signing, as a Footman does a Bond when his Master orders him to be a Witness to it, Concurrence and Advice; nor do I reckon the Communication and Knowledge of this Treaty, when resolv'd on, or the other Forms, to be Concurrence and Faith. I desire to know of you Mr. R. if ever the Draught of this Treaty was brought into any English Council, Cabinet or Committee, and there, after Deliberation and Debate, approv'd of by them; if it was, it's more than I know, and I'm sure more than is usual. For to say a thing has pass'd in the Cabinet, is only to say, that it was told, or communicated to the Cabinet, and that none there oppos'd it. And why should they? Would you have Men of breeding so unmannerly as to oppose what's resolv'd on, and which comes to them only for Form's sake, or as to the Top-news-mongers of the Nation, in order, I suppose, to publish it? For what else have they to do with what they are not to deliberate on? Now if this be the Case, as I doubt it is, how can it be call'd an English Treaty? which if one Englishman's Hand be at it, yet no Englishman's Head (to speak so) is concern'd in it, nor consequently liable to answer for it. Thus insensibly the great Security of our Constitution is lost; which was, that nothing of Importance could be done but by English Councils, who were to answer to the Nation at their Peril for what they advis'd.

Parliament
not consid-
er'd in it.

But to finish this Point: The Treaty thus begun and carry'd on, was concluded in time of Parliament; whose Advice (one would think) since it's taken in smaller Matters, might have been ask'd in one of such high Importance, without any Diminution of the Prerogative. The Prerogative of making Treaties, and Peace, and War, has its Bounds. There can be nothing unlimited in a limited Govern-ment, but the Legislature or *Salus Populi*: But what those Bounds are I shall not pretend to determine; that belongs to another Place, and there I'll tell my Opinion. But one thing is obvious, that it's a Contradiction to pretend that my Person and Estate are my Property, that cannot be touch'd without my Consent; and yet I can, whether I will or not, be brought into a War, in which I may lose both: If so, *Atagna Charta* deserves the Name that has been given it.

It's true, said Mr. R. but pray consider that you have the Purse, and the Government has only the Sword; which without the other, as War is now manag'd,

Agues

signifies nothing. You see even Victories amount to little ; the heaviest Purse decides the Quarrel at last. But suppose now, reply'd Mr. S. a King angry with his People, and that to be reveng'd on them, he would make a War without the Purse, or do it to make them open the Purse ; as you may remember a Governor of *Flanders* was directed to declare War, and did it against *France* with 5000 Men, to vex the *Dutch* and others, and forc'd them or the Purse into a War, which they had no mind to : Did the Sword here without the other signify nothing ? Thus there may be Cases, in which the two may disagree, and in which the Sword will get the better, as it daily happens on the High-way, where the Decision of the Quarrel betwixt the Sword and the Purse is natural, and downright against you.

I shall add but one thing more upon this Head, which is, That supposing the Prerogative to enter into Treaties, and to make Peace or War, ever so absolute ; still you'll agree that *St. Paul* had as absolute a Prerogative to act for the Truth, and yet he tells you he cou'd do nothing against it. Sure then this Grand Prerogative of our Kings can only extend to Treaties for the Good of *England*, and not to Treaties that tend to the Ruin of *England*, and of all *Europe* : Or, like *Eldeni-ana*, my Lady *Kent's* Cook-maid (if I remember right) they have the Power of Seasoning, but not the power of Poisoning. In short, the Prerogative may suffer upon the account of this Treaty, but this Treaty can never be justify'd by the Prerogative.

It's now high time to hear what your Friend, the Author of the Letter, has to say to all this, in doing which there will be Opportunities for laying further open this Mystery of Iniquity : Here he took the Letter out of his Pocket. My fourth Objection, said he, is, that there's nothing solid to be said for this Treaty. The Defence of it is void of Modesty and Truth, full of Trifling and Contradiction : As to the Manner he says nothing. He thought no doubt, that to make such an Objection, or to answer it, was to compromise the Prerogative ; and does he think in good earnest that it will now be made ? As to the secret Article with the Emperor, he says as little, nay not a word of it. They hope to keep it secret by amusing Count *Wratislaw* till the Brunt be over. However, to forestall the Clamour, in case it should break out, after having, with his usual Modesty, assur'd us, that the Treaty was for the Interest of the Emperor, and the general Good of *Christendom*, as well as for the Interest of *England* and *Holland* ; in short, a *Catholicism in Politics* ; he tells us, that nothing was transacted in that Matter, but what was communicated to the Emperor. The very thing, cry'd Mr. R. that I was to inform you of, and which I assure you will be made evident to both Houses, if they make bold with the Partition. I doubt not, reply'd Mr. S. but you and the Writer know one another's Mind ; but supposing what he says to be true (for I would save the Houses the trouble of his Proofs) it amounts to nothing, if he would speak out, unless he produce a general Release from the Emperor, or show that the Article is conditional or relative (which it is not) and that the Emperor has fail'd on his part. For the Truth of the Matter is, which he, and all your Partitioners dissemble, for Reasons that I am not ignorant of ; there was an older Treaty of Partition which was enter'd into at, or quickly after, the Conferences, and was finish'd it's like during the solemn Embassy ; and which, tho concluded, came to nothing, by the Prince Electoral's Death. It was by this Treaty that we broke Faith with the Emperor ; for it was never pretended that it was carry'd on with his Knowledge, or that it was communicated to him, tho by the Industry of his Ministers, or the pure good nature of some of you at Court, he came at last to the knowledge of it. Now what was the Emperor, who saw himself thus scandalously abandon'd, to do in this Case ? He was convinc'd, that since neither Honour, nor Faith, nor Interest, nor Obligations, nor Resentments, had been sufficient to keep us from entering into Friendship with *France* ; it was not in his Power to bring us out of it, and that do what he pleas'd we would partition on : What then was he to do, but what he did ? bear all as patiently as he could, that at least he might know the Progress we made.

Pray now, Mr. *Smooth*, at your rate of arguing, the Dutcheß's Plea the other day should have been, that her good Nature had been no Secret, that she had been for many years partitioning her self publicly, and the Duke and all the Town knew of it ; that is, approv'd of it, in your Language, if you speak to the Point. Will this Knowledge of the Emperor, like that of the Duke, with fine words, and a fine turn, excuse our Breach of Faith, when at the same time you own with more than usual Ingenuity, tho with the same Modesty, that the Emperor's Court cou'd

not be brought to approve of the Treaty, and either would not know, or would not follow their true Interests? Lord! that any Courtier, or Court of ours, who have not these 100 years known, or at least follow'd the true Interest of *England*, should have the Confidence to pretend to teach others theirs. Besides, the Writer forgets himself; for he has in the same page given us, tho' with another View, an invincible Reason, and which he owns to be the true one, why the Emperor could not enter into the Treaty: Because, says he, *It was highly displeasing to the King of Spain; which sticking out of the Emperor, he says, was a fresh and very engaging Motive to oblige that King to favour the Arch-Duke in the Point of his Succession.* Had he not then reason to stick out? The Truth is, tho' the Emperor hath not succeeded, we have; and there is a Will, but he has this to comfort himself with, that however all end, he hath neither abandon'd his own Interest, nor the Interests of *Europe*, nor given any occasion to the Will, as he must have done, had he join'd in that Treaty; of all which he leaves the Honor intire to others, to Mr. *L. P.* or the Monsieur le Premier of the supreme Magistrate of the two most potent and most flourishing Commonwealths in the Universe, tho' at present on the brink of ruin by a Charm: As another, quite another Mr. *L. P.* if I mistake not (whoever he was that writ the Book) elegantly addresses the great Arcanum of our Statesmen, the laudable factious Art, or Art of keeping up Factions by a new invented Ballance, in putting themselves always in the heaviest Scale, and never failing to make it the lightest.

I proceed now to your Friend's Answer to my second Objection, where indeed lies the strength of the Debate; and to which I own he has said all that can be said for so bad a Cause. Bad, or not bad, said Mr. *R.* you'll find it work enough to confute him. No no, said Mr. *S.* there is indeed Drudgery enough for me who do not like it; and therefore to one who had not the Author's Argument in his Head, as you have, I should scarcely be intelligible; but for work, the Writer is a Man of too much Reason to think so, he is certainly not for the Partition, whatever be the secret Interest that makes him write for it. Nay, tho' I do my best to lay open the weakness of his Cause, I am perswaded he could do it infinitely better himself. And indeed it seems in Compassion to an unwearied Reader, and possibly to be easy again within, he has done something towards it: Or it was Providence that made the Antidote to grow with the Poison. For the last half of the Letter is not of a piece with the first: And had he spoke out and declar'd himself, not only for a Posture as he does, but also for a War, which no doubt he is for, there had been a more flat Contradiction. The two Halves must have torn one another. For then he had been oblig'd to show, that the Confederates were an Over-match to *France* and *Spain* both, which is excellently well done by my Friend, the Author of the Essay, an incomparable Piece, but I am sorry for the Prejudice it does him. So much Sense and Spirit (to use Mr. *P.*'s new Word) will not be judg'd toolable. But to return to one that is so to their hearts desire, his Posture obliges him to no more than to make the Confederates barely Party for *France*. Which however is sufficient for the Quarrel between the two Halves; since the strength of his Argument in the first half consists in making them no Party for *France*, even supposing *Spain* neuter, or of their side. I appeal to you, or to the Writer himself, if this be not the true State of his Mind and Letter. Nor could it be otherwise; it is not consistent with one and the same Man to be for the Partition and War, or even the Posture of War; which is yet more liable to Objections than a War. For besides that it will cost near as much, it's less reconcilable to the noble Spirit of our People, that are not for halves or tricks, and who have the Courage of the Old Romans, would to God they had their Understanding too! then Potent and Flourishing would not be deluded, or worse; and either a War would not be necessary, or they would know that it was necessary, and how to manage it. To be for a War, or Posture, is to be for the Ballance of *Europe*; to be for the Partition, is to be against it: to be for War, is to be for a Rupture with *France*; to be for the Partition, is to be for an Union and Understanding with *France*. It's to be for the Conference or Conspiracy, of which the manner of the Peace, and the Partition were the first Overt Acts. It's too for the Cause, the Ground, the Reason of the Partition, the fatal Secret of the unaccountable Friendship, that makes a War, a Rupture (unless the Parliament interpose and look to it) impracticable, or as dangerous and ominous as a Peace.

Now, Mr. *R.* I own my Charity in believing that neither you nor the Writer are so far trusted, for you are both *Englishmen*. Pray then be advis'd to lay aside the Grimace;

Grimace; you and your Friends will lose more, believe me, by appearing in so scandalous a Cause, than ever you can get by it. As to your Advice and Charity, answer'd Mr. R. it's like you are in the right; but why so long a Digression to throw Dirt on my Friend? What does that signify to the Cause? It does, said Mr. S. a great deal (tho I own I conceal a better Reason) in shewing that one of his Capacity and Art can make nothing of it, which was what I intended; and not to reflect, tho I confess I'm sorry to see such a Pen prostituted, and that your Friend, who shows otherwise Capacity and Disposition to do good, should tempt Men to believe, that upon this occasion he has not super-abounded in another Quality, which I hope is to us both infinitely more valuable than all the Capacity that ever any Son of *Adam*, even that of doing Miracles not excepted, was Master of. Will you never abstain from Generals, said Mr. R. or what's Personal? I'll now keep close to the Point, reply'd he.

In the second Objection I affirm'd two things, That by the Partition consider'd in it self, and supposing the *French* had adher'd to it, the *Balance of Europe* was given up; and that there was no necessity for that Treaty, no necessity for such a Sacrifice. It was a pure Complement (if we were to have no return) a Gift, a Free-will Offering. To the first he says nothing expressly, but we may guess at his Answer, had he thought fit to take notice of so obvious and important an Objection. By the Partition, says he, *We have secur'd to our selves, that which makes at once our Prosperity and Glory, the invaluable Prerogative of holding the Balance of Europe in our hands.* Just as I told you, we hold it here at home by making the Party against us the strongest. It's pity such fine words should signify nothing. I am then to make good, that by the Partition, without regard to its Influence on the Will, the Balance was given up: A very easy Task, and which he himself will help me to perform. For according to the first Half, the Partition was necessary to prevent the loss of the Whole; because *France*, in his opinion, was an Over-match: In short then, the mighty Debate between us is, Whether by putting more weight in a Scale, it becomes heavier or not? And therefore I ask him, if what *France* was to get by the Treaty, was an Addition of Power as well as of Territory, or not? Not so considerable an Addition, it seems he'll answer, as to cast the Balance. No, Mr. Smooth, tho you have employ'd so many fine words to prove *France* without that Addition, not only weight, but over weight. It's fit to hear him; for he says, *Was the Arch-Duke's having two or three Provinces more or less, a sufficient Motive for a War? And, Were not the great Advantages we were to have by the Partition worthy to be purchas'd at the price of some small Sacrifice?* No shame! The time was when to prevent a much less Sacrifice (the loss of a Town or two) was thought a sufficient Motive for War. And to the great Advantages got by the Treaty, that is, a Peace, (unless he mean the Secret) Ruin or Desolation (*Solitude*) has been call'd Peace long before now: And if God do not prevent it, the words *Peace of Europe*, may come to have that Signification again. Then *Lorain, Naples, Sicily*, and a Frontier towards *Spain*, thrown into the *Bourbon Scale*, are not enough, it seems, to make it weigh down, tho it was weight without them. They are but a small Sacrifice, the Dust of the Balance, not worth the taking notice of, tho, barring Trade, (which they too, under *France*, may come to have) far more valuable than the Territories of the two Potent Commonwealths.

But *Italy* should thus have been the Seat of War, and our Managers forsooth, if you'll believe them, had outwitted the *French*, and the *Popish* Interest, by removing the War from *Flanders*, and from the Protestants, and sowing the Seeds of it among their Enemies. Nay, the Pope, says he, and all the Princes of *Italy* would have been of our side, in Gratitude I suppose for the good Office done them. He should have added, that *Italy* will prove a sure Burial-place for the *French*, as it did formerly. Thus the poor *French* had been undone, if they had stuck to the Treaty. Why then do we complain of them? It was Self-preservation made them break it.

But what trifling is all this? A Prince of such Order and Oeconomy as the *French* King, can he be stronger in *Italy*, and not stronger too at *Calais* and *Dunkirk*? Can his Power be overweight there, and light here? Can he have *Naples* and *Sicily*, with *Thoulon, Marseilles*, and not keep all *Italy* under? Especially since we have not left so much as *Final*, or any other footing in *Italy*, to the Arch-Duke, who by the Treaty was to be King of *Spain*, lest there should have been a possibility of Communication with *Lombardy*, or of meeting the Emperor in case of need with his Nephew at *Milan*. Is not the whole Treaty evidently a *French* Draught, in small and great Matters, in Form and Substance? The Articles for *France* are long and

Balance of Europe lost by the Partition.

The Power of France by the Treaty.

particular, even to Guns and Ammunition; but those for the Confederates are general and short. *Italy* was indeed a Burial-place for the *French*, under negligent Princes that prefer'd their Pleasures to Business, and kept no Discipline. But has *Italy* been so to them these 80 years, since *Richieu* and this King had the Reins? Did we not see the contrary in the last War? And as for the Universal Guaranty, and those Leagues of *Italians*, *Swissers*, *Northern Crowns*, &c. Does he not know that they are *Chimaras*, which never did, and never can amount to any thing? What has the Universal Guaranty signify'd to the securing the *Pyrenean* and other Treaties, more than if there never had been any such thing? Is not even the *Partition Treaty* contrary to it? Will *Italians*, *Swissers*, or *Northern Crowns*, if ty'd by a thousand Guarantys, make War elsewhere than in their own Countrys and Neighbourhood, but as they are hir'd to do it? And they'll be hir'd to it without Treaties, or contrary to them. Nay, if Guarantys be good for any thing, we may have enough of them now, unless we suppose, that the *French* having a Part would have alarm'd *Europe* more than their having the Whole does. Besides, if the Emperor's not coming into the Treaty could keep the Princes of *Europe* from coming into the Guaranty of it, notwithstanding the joint Solicitations of our Triple League, that shows the Power and Influence of the Emperor to bring in those Princes, in case we join with them, to a new League against both the Partition and Will. But why do I labor in vain? Will this Writer teach the *French* the Knowledge of their Interest, as he has done the Emperor? It had been carry'd in the Councils of *France* to prefer the Partition to the Will, not sure from any regard to the Faith of the Treaty (who durst talk of that?) but as being more safe, and so possibly more advantageous in time, had not the present Offers tempted their Vanity and Ambition, and that they resolv'd the Duke of *Anjou* should not be Roy, but Vice-roy of *Spain*: and tho the Debate was quickly over, the Event only can decide who was in the right. So far it's past doubt, and indeed Matter of Demonstration, that by the Partition the Ballance of *Europe* was given up; which this Writer, as we have heard, calls the securing that Ballance in our hands. Thus the Partitioners secur'd *Flanders*, and the Battalions, and have secur'd this six Weeks their own Country by Land, and ours by Sea; and thus we shall be secur'd by the present Treaty of Security, which will, like every thing that passes thro such Mens Hands, end in no Security, and serve only to amuse us; since by *D'Avaux's* Memorial on the fifth Instant *S. N.* the *French* or *Spanish* King asks Security from the *Dutch*, whom it seems he apprehends by Land, and it's like will ask Security from us here, that when our Fleet's out, we do not invade him by Sea.

But now I come to the Writer's main Strength, which is, that the Partition was necessary to prevent the Will, so far was it from occasioning the Will; in a word, it was giving a part of that Succession to save the whole; otherwise we must have had a War, which we were in no Condition nor Disposition to make: For we had disbanded our Army, and turn'd all our Thoughts on making the best Advantages we could of the Peace. *France* was before-hand with us in a readiness to act; and having its Forces united under one Chief and Interest, and no Variety of Dominions to go thro, would have made considerable progress in *Flanders*, and march'd directly to *Madrid*: and being thus possess'd of all, it would have been the greatest Exploit that ever was compass'd by a Confederacy; nay, it was a thing incredible, and beyond all Expectation, and which no Man in his Conscience could think, nay it was impossible to have reduc'd the *French* by a War even to the Terms of the Partition-Treaty. To all this I say two things, that the Matter of Fact is not true, as it is stated; and if it were true, we owe it to the Partition.

Had not the Partition either in being or in view, or the curs'd Secret that brought on the Partition and all our Miseries, been in the way, we had upon the Peace renew'd the Confederacy in opposition to the growth of *France*: We had settl'd all Quotas of Men, Ships, and Mony (as it appears we did in the Publick or Secret Partition-Treaty without a Parliament) resolv'd how and where each of the Confederates was to act; in a word, concerted all Measures imaginable, with respect to the King of *Spain's* Death. So that it happening, and every one knowing the part that belonged to him, no time had been lost, but the Confederates had prepar'd as fast as they could for Execution; and we among the rest, in order to do our part, had order'd the Parliament immediately to meet: But in the mean while, till that King's Death happen'd, the Arch-Duke might have been transported to *Spain*, and there kept with a Retinue and Splendor suitable to the Dignity of the presumptive Heir of *Spain*, and with a Purse sufficient for Generosities, tho we had all contributed to it, nay had sent him yearly the 50000 *l.* (it will cost us Millions, which Pounds would have prevented) destin'd for King *James*, and which I dare venture to affirm, has not been so well employ'd; and he might have been supported there, by the joint

The Arch-Duke should have been sent into *Spain*, and then the Partition Treaty had been prevented.

joint Negotiations of Ministers from all the Confederates. Thus he had got on the Throne without any opposition, and we had had *Spain* and its Dominions on our side, in case *France*, notwithstanding such a Posture and Readiness, which is much to be doubted, considering the low Estate of their Revenue and People, would have engag'd in a War.

But I'll put the Case the Arch-Duke had not been sent (as it happen'd) during the King's Life, tho I know nothing to have hinder'd it but the Partition-Treaty; he had however, barring that Treaty, continu'd in the Will, in which he once was: And in that Case we had quickly transported both him and Troops to *Spain* or *Portugal*. It's true, our Army had been disbanded, as it is; but much of what I have said, might have been done above-board, and the Parliament engag'd by an Address to the King, to support him in such Alliances as he judg'd necessary, not for favouring, but for opposing the Growth of *France*. No English Parliament would have declin'd to make such an Address, or have fail'd to make it good. But the Case was never put to the People of *England*, Ballance or no Ballance. Inform them, convince them that this is the Case, that by no Ballance, their Honour, Religion, and Liberty, are at Stake, they'll throw in their Lives and Estates, save all or lose all, and neither Troops nor any thing else will be wanting. How unhappy or perverse are you at Court, that either never know, or never will take the right Way! Are you asham'd to copy after a Woman? You have one Reason on your side, which it's like you know nothing of; She would have been asham'd to copy after such as you.

But now to consider Matters, not as they ought to have been, and would have been had there been no Partition, but such as they were upon the King of *Spain's* Death, which I am under no Obligation to do; for *Versanti in illicito, consequentia sunt imputanda*. However I'll compute with your Friend when you please, and convince him, that in *October* last the Confederates had more Troops than the French King, and without doubt more Ships; and before the time of Action, could have been much superior to him both by Sea and Land: nor could the marching an Army to *Madrid* have prov'd so easy a Matter, because of the Difficulties to have Provisions and Carriage, if we had immediately (which we might have done) made our selves Masters on the Coast, by taking along with us but a few Troops at first, till we had seiz'd on some good Harbour or other. Besides, what could it amount to, if he had gone to *Madrid*? He will not now exchange *Brussels* or *Antwerp* for that Town; if not in the manner in which he is to quit them by the present Treaty of Security, and which is to be our grand Security, for preserving forthwith the precious Peace of *Europe*; that is, so as to have it in his Power to retake them when he shall think fit, or when he shall have brought the Affairs of the Spanish Monarchy into order.

The French at the Revolution were much more before-hand with the Confederates, had many more Troops all in a readiness under one Chief and Interest, &c. And what got they by the War, even manag'd as it was, tho we had a Government to settle, and that *Ireland* gave us a Diversion two Years, and *Scotland* as much? Besides the Emperor being in a War with the Turks, I do not think we had above the number of the Scots Army from him to assist us. Then the Dukes of *Hanover* and *Saxe Gotha*, the Bishop of *Munster* and several others, had form'd a third Party in the Empire, in conjunction with the King of *Sweden*, to force a Peace in favour of *France*; which tho it never came to effect, yet for several Years no Assistance was had from those Princes; and the Jealousy which they gave, oblig'd others in their Neighbourhood to keep part of their Troops at home. So that in effect, the Confederacy for some time had no great help from the *Lower Saxony*, which is the Strength of *Germany*. The Circles too of *Franconia* and *Swabia* came not into the War in good earnest, till towards the end of it: And it's to be consider'd, that not only the Emperor's own Strength, but a great part of the Strength of the Empire, were employ'd in the War of *Hungary*; whereas at present the Emperor has his hands free, and a vast Addition of Power by the peaceable Possession of that Kingdom (not to mention *Transilvania*) which alone as it is, will be very serviceable to him; and when it shall have a little time to breathe, and Liberty of Conscience (which we might procure them, were there not a Secret Article, or a Secret Disposition somewhere at least, not to mind such Matters) will be worth all his Hereditary Dominions; and he having the Interest of his Family at Stake, and a faster hold of the Empire, as it happens, than ever he had upon any other occasion, it's to be presum'd that as he can, so he will act in the War in good earnest. And as the Emperor's Quarrel, and *Portugal's* too, is upon the foot of Right and Self-

*The Power
of France
at the Re-
volutions*

Self-preservation; so the Dutch being engag'd both for their Country and Religion, it's to be suppos'd they'll make their utmost Effort, and will have more work, and I hope more wisdom too, than to give umbrage here, by laying hold too eagerly on the Advantages that our Mismanagements in Matters of Trade offer them, and which indeed are not so much to be imputed to them; for it's natural to a trading People to make the best of their Market. As to some Tools here, who officiously hindred the remedying of the Coin as long as they could, and have been the Cause of other Disorders, barely to recover and ingratiate themselves at home, they are as much hated as despised.

But all this is unnecessary Labour, continu'd he, turning over the Leaves of the Letter; for your Friend the Writer does not believe his own state of Matters at the King of Spain's Death. See P. 10. where, with the Fantom of a Guaranty, we cou'd order France as we pleas'd; and P. 14. where he will not allow France to suppose that the Emperor will bear the Injury done his Son, notwithstanding the Hopes he may pretend to of having England, Holland, and Portugal of his side. Where is now the Improbability, nay and Impossibility? &c. And P. 16. where in case the Partition Treaty had succeeded, France had been bound to a peaceable Behaviour, and kept from any Infractions and Innovations; the two powerful Nations, &c. (tho as we have heard neither in a Condition or Disposition to make War) wou'd have been on the Back of France; but because that Treaty has not succeeded, are enchanted and can do nothing, tho France be upon their Back: And P. 24. We are (says he) in great and apparent Dangers, and must not quietly expect our Destiny (that is, no longer trust to Predestination) without making use of those Remedies we have still in reserve to provide against them. Pray how came we by those Remedies? and where were they in reserve? Had we none of them when the King of Spain died? and therefore it's like did not call a Parliament. Is France weaker than it was, by the addition of Flanders and Milan? I own they are, by having your Bugbear of Madrid. Thus it was that we were to weaken him by the Partition, which is the Strength of your Cause, upon his having added to his Empire Lorain, Naples, Sicily, &c. the Guaranty of Popes, Swissers, and Northern Crowns; and why not Jews, Moors, Turks? Nay if you please with Mr. Yard's leave, Opticks, Catoptricks, Dioptricks, and Staticks, all Kingdoms or States (equally zealous for the Partition) would have been so hard upon him, that he durst not have ventur'd to offer at an Infraction. And P. 25. We must make others sensible, that we have still both the Will and the Power to look to our selves, and stand by our Allies. None doubts of our Power, but he in his Partition-half, for this is his Posture-half; but as to our Will, God knows, and I believe very few more, what that is: Nor do I know whom he means by Allies; we have abandon'd our old ones, and our new ones he would have us believe have abandon'd us. Holland and we I reckon the same (and whoever reckons otherwise is an Enemy to both) equally abandon'd, if he mean the People; and that have equally broke with their Allies, if he mean the Government. However he comforts us by telling us, that we may avert Mischiefs, by putting our selves in a posture, and by addressing his Majesty to enter into Alliances, &c. that having such a Chief we cannot want Power to help our selves.—That his Majesty can effectually provide for the common Safety. That he the Writer, would tremble with the thoughts of the Danger, were we now wanting the unvaluable Benefit of so renown'd a Prince's prudent Administration—who so gloriously fills the Throne—has such Credit in Germany, such Sway in Holland, &c. **ALL WHICH IS OWN'D, THO NOT TO HINDER YOU TO MAKE IT GOOD.** But pray now, after you have reconcil'd this end of your Letter with the beginning of it, reconcile both with the prudent Administration since the King of Spain's Death, the prudent doing nothing, but losing four Months when the loss of a Day was too much. For whether the Partition Treaty only could have sav'd us, as in the Partition-half is affirm'd; or that Treaty being lost, a Posture was necessary, as we are told in the Posture-half; it's Matter of Fact, that we have neither had Partition nor Posture these four Months. And if the Writer has not at this time trembled, but rely'd on the prudent Administration; he has no doubt got into the secret of this Prudence, which I wish he would impart, were I sure it would have the same Effect upon me: but what gives one Man Courage may terrify another.

I have now insisted on the Prevarication, Disingenuity, Contradiction and Trifling, that is in the management of this Debate: But I have still in reserve that which is more extraordinary than all these; a piece of Forgery, which is strange they should have ventur'd upon, but you and I know them. I do not charge the

Writer

Writer with this, he follow'd Directions. The Matter of Fact is as follows: *Our Court, when the Treaty was set on foot, had very good Intelligence and Advice from less suspected Hands (Schonenberg our Envoy, no doubt the Jew, for Jew or Gentile, if Tool or Foreigner, it's all one) than the French Ministers who made no Secret of the Matter, both at home and abroad; but rather affected to publish it, that the Emperor's Party dwindled, and the Marquess d' Harcourt improv'd his Master's Interest, and gain'd Ground daily. That those who had the chief Ascendant over the King, and were most likely to influence him in the making of his Will, were altogether inclin'd for one of the Dauphin's Sons. And therefore England and Holland enter'd into the Treaty of Partition, from the apprehensions they had of such a Will, and to prevent the Effects of it; so far was the Treaty from giving occasion to the Will: Nay, tho the Treaty of Partition had never had a Being, the King and Grandees meerly to shun a War, had been for the Duke of Anjou. You see Sir, continu'd he, how much the World has been in the wrong to the poor innocent Treaty, as if it had been guilty of producing the Will, which has been not only the general Opinion, I shou'd say Universal Persuasion, since the Will appear'd; but I dare give my Oath, that several of us Coffee-house Statesmen about the Town, had no sooner seen the Treaty, than we gave Spain for lost. Nor were we at all surpris'd with the News of the Will, and yet less with the Acceptation of it. It's true, that notwithstanding such Proofs of our State-Capacity, we were quickly aground in concluding there would be a War. We err'd in judging of Courts by our selves, as if they could not digest that which we in our private Capacity would not fail to resent.—Pray, no Raillery, said Mr. R. What! reply'd he, would you have me seriously run my Head against such Impudence? In one Page Harcourt's Intrigues make the Will, in the other the Dread of a War, or a fearful Prudence does it. If so, why was it not made twenty Years ago, when the Confederates were yet in a much worse condition to support Spain, and all the Wars since might have been prevented? But I'll allow them to join Harcourt, and the Danger in that Exploit. The Intelligence, the Advice, the Apprehension of such a Will, came all too late to give birth to Partitioning; since there was an older Partition, as I have told you, concluded upon the Peace, older than the Intrigues of the Harcourts, or the Influences of the Portocareros.*

*The Treaty
produc'd
the Will.*

So here's a scurvy Achronism, by which a fine Turn is lost, that instead of the Partition's producing the Will, the Will had produc'd the Partition. But to proceed: If they who had the greatest Ascendant over the King, were altogether inclin'd for the French, so that a Will in favour of them was almost certain, and that this was no Secret; How came the Court of Vienna (tho we too forewarn'd them of it, pag. 10.) not to believe it, but to feed themselves with vain Hopes, that the Will would run altogether on the Arch-Duke's Side, and not to be undeceiv'd but by the Event, pag. 12. tho they had the Queen and Court of Spain (a few excepted) to disabuse them? But we'll suppose them dull and apt to flatter themselves. How came the French, who were so sure of the Will, that they made no Secret of it, but affected to publish it every where? How came they to suffer themselves to be trick'd by us into the Partition-Treaty? For if after they got the Will on their Side, it was impossible to hinder them from having Spain, &c. as your Friend hath told us: What had they to apprehend if they were sure of the Will? Why should they have renounc'd so solemnly by a Treaty, that which they were intriguing so industriously for, and which they reckon'd themselves sure of? To quit the Whole in order to make sure of a Part, when they doubted not of the Whole, looks odd. I begin now to suspect, that the Treaty was a Complement which they made us, and not one that we made them; and therefore we stipulated nothing, but are in their Debt. In a word, it seems we wheedled them one way or other out of their Senses and Understanding; and the French, to escape Perjury (did they value it) might have own'd themselves dup'd, and declar'd the Treaty void upon the Head of *Dolus Malus*.

Pray now, Mr. R. is this tolerable? Is Mankind thus to be impos'd on? In short, either this Story is true or not: If not, we should not have been told it, lest we should believe it; and if true, still we should not have been told it for the same Reason: For whoever believes it, must believe that the Treaty was a packt Business to make the Will sure; and the Affectation to talk of the Will as sure, was to give a Colour to the Treaty, of which more by and by.

However

The Spaniards complain of the Treaty.

However that be, sure it's reasonable to believe the Spaniards themselves as to the Influence the Treaty had upon the Will. Now all Europe knows what Memorials the Spanish Ministers have given every where, both before and since the last Treaty, complaining of Partitioning as an unprecedented Practice against the Laws of God and Man; and as an Indignity done them, which they would oppose and revenge with the last drop of their Blood. Did not *Don Quiros*, several Months before the Treaty (which shews the Design of the Treaty older than we pretend) warn the States that there was no Expedient imaginable, that could prevent the Dismembring their Monarchy, which they would not lay hold on? Nay, that they would all arm from Fifteen to Sixty, rather than suffer it. And we know how bold the Marquess *De Canalles* made with that Treaty here; for which, that is, for calling it by its true Name, a detestable Machination, he was commanded to go out of the Kingdom. It's pity those for the thing should stay behind.

But what need we other Evidence? Will we not believe the King of Spain himself concerning his own Will? It's true, you Courtiers often order Matters so, that Men are shy to take a Prince's Word; but it were hard, Mr. R. not to allow us to believe them when they are dying. Now that King, who as the Author of the Letter owns, was highly displeas'd with the Treaty, tells us in his Will, That his chief Obligation was to take care of the Welfare of his Subjects, which was to order Matters so, that all his Kingdoms might continue united. And, That he would never consent, that a Monarchy founded by his Ancestors with so much Glory, should be dismember'd or diminish'd in any manner. Who can have patience with a Writer, and indeed with the whole Herd of Partitioners, who must have seen this, and yet tell us that the Treaty did not give occasion to the Will, but their fore-knowledge of the Will gave birth to the Treaty?

It's a harder, or rather more dangerous Question, Whether our Partitioners foresaw that the Treaty would beget the Will or not? I have told you that we Coffee-house States-men did foresee it; it's but natural and modest, to suppose that Men of Business, true States-men, have better Eyes than we. If so, they were for the Will. Those that are for the Premises, and understand them, must be for the Conclusion.

When Opinions are chargeable with Consequences.

It's agreed among Modern Divines, that the Consequences of any Opinion (which holds equally true in Matters of Fact) are not to be imputed to him that's for it, unless he see them; but if he see them, he is chargeable with them. Thus it seems we are insensibly brought, not by Treachery (since the Partitioners would not betray themselves) but by obvious reasoning from the nature of the thing, into the Secret of all that we were to do for France; and it is but reasonable, since we have help'd them to the Spanish Monarchy, to secure them in the possession of it, by securing the Peace of Europe. We have then got a great way, and are now only at a loss to know the Equivalent, to know what France was to do for us; but we are not at so great a loss even in that, as most Men imagine. The Equivalent in part was discover'd long ago by Men of Understanding. And now that the Scene opens, nay, by what has been talkt within these few days, it appears that even the Multitude will quickly come to the knowledge of that part of it; and more Time (the honestest and surest Spy) will not fail to give further light: I wish it may not be too late for any good use to be made of it. In the mean-while, I'll beg one Favour of my Friends, which is to have an Eye upon Roman Catholicks and other Jacobites, not to take the Advantage of the Law against them, which is neither my Business nor Inclination, if they continue quiet; but in order to know upon what Ground we stand. Till the Peace they were, according to the natural tendency of their Principles, violently set against this Government. Upon the Peace they were on the sudden, one would think, conjur'd into such a Complacency to it, and Zeal for it, that they seem'd, by their dutiful Behaviour, to surpass those who had always been for the Government. If now upon the settling the Succession, they change their Note, and be again what they were in the time of the War; it is not necessary for a Man to be a Conjuror, to find out what has been at the bottom.

The Will the Consequence of the Treaty.

But, said Mr. R. you know our Zeal in that Matter, and no Man was more forward in it, than he whom you call a *Grand Partitioner*. I am, said he, pretty well inform'd how it went: That those most against it, appear'd most for it; that with much difficulty you were prevail'd with, to give us for once in your Administration a stroke of Queen *Elizabeth*, in swallowing with a good Grace, that which you

you knew would have been cram'd down. Possibly too you were catch'd ; it's like you trusted to the Principles or Inclinations of a Party : But the Party-Interest will always carry it, both against you and themselves. Nay, possibly you are thus, without breaking the Peace (for that would bear an Action) taking your Revenges for the loss of the Partition ; and as for the Partitioner, all is not lost that is in danger. How great pity was it, that so sweet and fine a Gentleman as *M. L. W.* should lose all the Pains he has been at in making his Court ? for it's known, that while the Father was treating, the Son was hunting with young Master, and none so officious as he to be in the way of doing little Services. If thus he is to be in due time one of our Governors, since he puts so early in for it, our Comfort must be ; that his Father shall have bequeath'd him his Talent at Business. You promis'd, said Mr. R. to keep to the Point, but this is to no Point ; for supposing there was Ground for such Visions, this would be an Instance of what further we were to do for *France*, and not of what *France* is to do for us. I grant you, reply'd he, it is so at first view, but think on it till we meet again : I submit to Correction, and return to the Letter.

The Observation, that the Partitioners must of necessity, in making the Treaty, have foreseen the Will as the consequence of it ; and the Inference made from this, that they were for the Will, are so obvious and natural, that they could not but foresee them, and provide the Dust of the forg'd Story you have heard, to be thrown into our Eyes. They own then that they foresaw the Will : And indeed how was it possible for them not to foresee it ? But they foresaw it, they say, as that which was to be, tho there had been no Partition-Treaty. The *French* Intrigues, and the Danger of a War could not fail to bring it to pass ; and therefore they enter'd not into the Treaty, so much to prevent the Will, which they had no great hopes of succeeding in, as to prevent the Effects of the Will.

Not to repeat, that they had partition'd for the Prince Electoral long before this ; that thus the *French* swore and forswore needlessly, that the Emperor and Queen of *Spain* knew nothing of this, tho the *French*, you say, affected to publish it, and that you had forewarn'd the Emperor of it ; that the King of *Spain* and all his Ministers assure us of the contrary : I add, which alone were a sufficient Confutation of this ridiculous Story, that since the Treaty the Archduke was in a Will. Besides, you at Court never pretended, when the Treaty came out, that it was made to prevent a Will, or the Effects of a Will, of which you show'd no Apprehension. - Nay, I'm sure the generality of Partitioners were struck with the News of the Will. I own I cannot but think, that those in the secret of the Partition were far from being surpriz'd with such News, whatever they pretended, as I have been told was done by one, a greater Man than the Writer whoever he be : But this was not, as they would have us to believe, because they had foreseen the Will, before ever the Treaty was in being, as a necessary Consequence of the Disposition of the *Spanish* Court ; but that by the Partition they had in good earnest made the Will inevitable.

I will further add that which gives great light to the Matter, and to which I do not indeed know what can be said ; it is this : If in making the Treaty you suppos'd a Will, and provided against the Consequences of it ; that is, rely'd on the known regard that the *French* have to Treaties ; yet it is not credible that you were so far intoxicated with an Opinion of the *French* Probity, as not still to apprehend a Will, apprehend that it might prove too strong a Temptation, of which you say you forewarn'd the Emperor. Sure your Confidence could go no further, it could not exclude a Jealousy.

When one Man trusts another, he trusts either his Honour, or Character, or Friendship, or Religion, or Interest, or his own Power to make him keep his Word. The Writer has told us that it was the want of the last Surety that begot the Partition : The Whole in point of Interest is no doubt preferable to a Part. The Argument at *Paris*, in favour of the Partition, was founded upon the present Necessity of shunning a War. As to the other four Ties, the *French* had forfeited their Credit with respect to them all, upon as many Occasions as they have had to do it ; but particularly upon the same Subject with that of the Partition, the solemn and express Renunciations made at the Treaty of the *Pyrenees*, pag. 111. which one would have thought was such a visible spreading of the Net, that no Bird thereafter would have flown into it.

*Necessity
pleaded for
the Treaty.*

At the time of that Treaty Honour was boiling and high, a Character was to be acquir'd, Friendship was fresh and warm ; a Father-in-law, a Brother-in-law, and

a young Queen with a Prince's first Oaths and Renunciations before he was fear'd ; Oaths upon the Gospels, and at the Altar sworn over and over again (for so *Phil.* the 4th would have it) to ensure and double the Perjury ; which Perjury was in being at the very moment of Swearing, as appears thereafter by the Date of the private Orders given for Succours to *Portugal*. It came into my Thoughts the other day, when God, with the help of Mr. *Mountain's* lively and honest Zeal, withheld the Commons, that he has still a regard to the Honour of Parliaments, and therefore reserves their owning for him whose Right it is. Sure God never gave a Crown that was got by such daring, solemn, and (after as much time as the reprobate *Israelites* had in the *Wilderness* to repent in) repeated Profanations of his Name. I may add, that the Pious, and every way a Pattern and Model of true *English* Virtue and Worth, the deceas'd Sir *Edw. Harley*, would have been of my Mind.

Now I own that, notwithstanding all this, you are still capable of trusting *France*, to show you that I'm tractable, and because you have done it : But then it will I hope be yielded to me, that there remain'd with you a Jealousy and Doubt at bottom, that a Prince of an Age, at which no Man changes to the better, might still be capable of acting like himself. And therefore, since you apprehended a Will, and entred into the Treaty to prevent the Consequences of it, or rather to prevent it, for that was the surer way (surer not to suffer the *French* to be led into Temptation, than to get them out of it) I may conclude without hesitating, that besides the Treaty, you took all other Measures imaginable to prevent the Will.

Now the only other sure Measure to prevent the Will, if that Matter stood, as we have heard it stated by you, was to send the Archduke to *Madrid*, which indeed had infallibly hindered the Will, and did not interfere with the Partition ; *France*, *England* and *Holland*, being equally powerful to make that good, as if he had been still at *Vienna*. How could the Emperor, do you think, have maintain'd the Archduke there, against such a Triple League ? Have you not told us, that tho we and the Emperor had been in the League against the *French*, we could not all three have hinder'd them alone from marching straight to *Madrid*, and seizing the Whole ? So that it's evident, the Archduke's Presence at *Madrid* might have hindered the Will, but could not have hinder'd the Partition ; and therefore considering the Probability or Certainty of the Will, and the Danger from it, if it was not prevented, it was manifestly the Interest of *England* and *Holland*, notwithstanding the Partition-Treaty, nay in order to preserve that Treaty, to have had the Archduke at *Madrid*.

How the Will might have been prevented.

I own, said Mr. R. you are in the right ! But the *French* would not agree to the Archduke's going to *Milan* or *Madrid* during the King of *Spain's* Life, unless the Emperor would first join in the Treaty.

But it's that, said Mr. S. that I complain of: for tho so long as the Emperor stood out, it was not reasonable, since you were in Friendship with the *French*, to do any thing without them, merely to gratify him ; yet since in this whole Transaction, you say that we were to have nothing our selves, and that we had singly before our Eyes the publick Good, and the Peace of *Europe*, We the Mediators, pag. 7. ought to have had no regard to the Humours either of *France* on the one hand, or the Emperor on the other ; but as our Concern for that publick Good had made us join with *France* for a Partition, so the same Concern should have made us join with the Emperor against the Will, and consequently in transporting the Archduke to *Madrid*, even tho the Emperor would not own the Treaty, which he could not own, without giving occasion to the Will, as we did, and without irritating the *Spanish* Nation to such a degree, that they would not have receiv'd the Archduke.

The Archduke was not to have gone to *Milan* or *Madrid*.

It had been better so, said Mr. R. especially as things have happen'd. You see then, continu'd Mr. S. that even a Conditional Article, not to suffer the Archduke to go to *Milan* or *Madrid* during the King of *Spain's* Life, unless the Emperor first own'd the Treaty, was absurd and intolerable. On the contrary, there should have been an Article of Agreement with *France*, not to oppose the Archduke's going to *Madrid*. The refusing this would have been (as the asking the other Article was) a plain Discovery of the *French* Secret (if we did not know it) that they intended to have the Whole, since they could have no other reason for being against the Archduke's going to *Madrid*, but that his Presence there would have hinder'd the Will. Nor is it conceivable what reason we had to join with *France* in this, if we were indeed against the Will : but if our not stipulating freedom to the Arch-

duke

duke to go to *Madrid*, and much more our consenting to the Article as you understand it, that he should not go till the Emperor own'd the Treaty, be unaccountable; what will you say if I shew you that the Article is not conditional, as you suppose, but absolute? It's ordinary for you at Court to commit Mistakes, for you will be at no Pains; pray hear me read the Article: *The most Serene Archduke shall not pass into Spain, nor into the Dutchy of Milan, during the Life of his Catholick Majesty, but with common Consent.* That is in short, he shall pass to neither of these Places, without the consent of *France*, so long as it is possible for him to hinder the Will. Here's an absolute Tie, and no room left to make it either conditional or relative, tho the Emperor had still three Months by the publick Treaty to come in (not to mention two by the secret one, which is not to the point.) His coming in, as you own, might have hasten'd the Will, by irritating the King of *Spain* and that Nation against him; but still it had neither been in his Power nor yours, according to the Treaty, to have sent the Archduke to *Madrid* without the consent of *France*: Which shews, with all the strength and demonstration that such Works of Darkness are capable of, that this Article was expressly calculated and stipulated to secure the Will. It's impossible to suppose Men so dull (and yet that's the greatest Complement we can make to the Managers) as not to have seen this: Nay, it was seen and oppos'd by some, but in vain. *Now talk no more to me of Popes and Suissers, of Leagues and Guarantys; WHO CAN BE GUARANTEE FOR A MAN AGAINST HIMSELF?*

I own, said Mr. R. you have confounded me, and I know not what we have to say to it. But I can tell you, reply'd Mr. S. what you can do to it, even by Agreement; put the Reverse of this Article in the secret Treaty, or give it out that it is so, and then you may pretend the publick one was but a Bugbear to fright the Emperor: that is, you may own your selves Traitors or Mediators, who betray'd all to one side.

Here he stopt a little, and then went on. I perceive, Mr. R. you are uneasy, but you little think that I have still in reserve a Match for the eighth Article. That's impossible, said Mr. R. Nay, reply'd he, since you provoke me, I will at least mention it: It is, in a word, that you do not resent the Loss of your Partition. If that be all, said Mr. R. laughing (for he was glad to find that Mr. S. had not got into any new Secret) suffer me to tell you, that the *French* Article will do better alone, or you may, if you will, couple it with the Article betwixt us and the Emperor. I know, answer'd he, why you laugh; you pretend to have been always for a War, and that you have outwitted the whole Nation, having been forthwith, as you would have us believe, from the beginning, in the right way to compass it. I know there are none, like you, so able to impose by Artifice and Trick, in your own Opinion and ours too, tho at present we must differ. We are indeed outwitted, if no Parliament, no Preparations, no Negotiations for four months, express Declarations of your Mind, or of your acquiescing at the MEETING, and concerting Measures for owning the Duke of *Anjou*, a Ministry, a Party, a Speech, a Speaker, a Parliament as much as in you lay, with *Flanders* and the Battalions in *French* hands, all in appearance for a Peace, be indeed proper Methods for coming at War; so you may talk to others, and blind them with your Military Inclinations, as if the Triple League, or *French*, Prerogative, Party Inclinations were not stronger: but if you talk to me thus, there's an end of all Conversation. If indeed you'll tell me that you have chang'd your Mind from Peace, or Posture, to War, I'll hear you, and examine if there be any change in your Proceedings; for I'm grown old, and cannot be young again, to judg of Courts, as I formerly did, otherwise than by their Actions. I always thought (and therefore troubled no body with my reasons for a War) that the weight of the Thing, or the Levity of the *French*, who cannot bear Prosperity, would bring it on, tho both you and they, you contrary to your Interest, and they according to theirs, had resolv'd on the Peace of *Europe*, *THE SOLITUDE*. I was only in pain, that first you would lose a great deal of Time, and consequently a great many Advantages; and after that you would come awkwardly into the War, and even as awkwardly manage it: But still I must tell you freely, that I have not yet observ'd any change in your Conduct, to convince me that you have chang'd your Mind. The *French* King indeed seems to be elevated by his Success, so as to have chang'd his; and it's like the business of the Succession will confirm him in this Change. For whatever you think, or however innocent you may be, which is not my point at present, when I'm only to charge you with the Partition; allow me however to tell you, that to

cover the Infamy with which the *French* loaded their own Court, for sacrificing so great a Frontier and K. J. too to the Peace, words at that time drop'd from the OLD WOMAN, which with the Medals then struck at *Paris* in favour of the Prince of *Wales*, and the care you have taken to explain what was dark in those Words and Medals, convince me that he'll reckon what you are about, a breaking with him. Thus Self-preservation may bring you into a War; but, which was my point, Resentment will not do it. The *French* may break with you, but you will not break with them if you can help it. Pray have patience but one week, said Mr. R. I have told you, reply'd he, that tho we should engage in a War, that's not to the point; Patience you say: You know sure, Resentment or true Metal have no Patience. Do not reason, do not deliberate, do not put all up, and draw after four Months. And since that is not our Case (for all the World knows and admires your Metal) there's something yet worse in it, there's a dead weight upon the Metal: Sure you at Court resented the villanous Practices of the *French*, in carrying on Plots and Assassinations; and yet your Resentment even of this, could not keep you from entering into Friendships with them, nor Partitioning for them: Can any Resentment then make you break with them?

Apprehension of Assassination Pleading.

You're a strange Man, said Mr. R. Was never the Dread of Assassination a Bond of Friendship real or pretended before now? Is that a new thing? Are not Princes to preserve their Lives the best way they can? And when they have to do with Enemies that stop at nothing, had they not better compound the Matter, and be so and so together, than fall an unavoidable Sacrifice to their Wickedness? Nay, if that be the Case, Mr. R. said he, it solves a great many Phenomena; but I cannot comprehend how Men that despise the irresistible Force of a Cannon-Ball, should dread the trembling Hand of an Assassin. I do not affirm, said Mr. R. that it is the Case; but if it be, there's nothing new nor strange in it. Do not you know Men personally bold, that are timorous in Business? Assassination is Business, and not Fighting. Have you not heard of Men famous at Tilting, who could not see a Surgeon's Lance? All Men, if they were well known, would appear to be a Composition of Contradictions. *Caligula* us'd to creep into a Hole when it thunder'd; and to piss on *Jupiter's* Statue when the Thunder was over. Mens Tempers are as inconsistent and unaccountable as their or your Conduct: Besides, such a Weakness may run in the Blood, for which a Man is not answerable. Did not King *James* the First, upon *Gondemar's* Whisper about the invisible silent Ponder, change his Measures with relation to the Jesuits? As for that Ancestor, reply'd Mr. S. he was a known Coward; he jump'd in his Mother's Belly upon the fright she got at *Rizzi's* Death, and trembled ever after at the shadow of Danger. But what think you of *Henry IV.* said Mr. R. another great Grandfather, who was a brave Man, and every way a Hero? You see by his Discourse with the Duke of *Sully*, that he thought there was no possibility of securing his Person, but by courting his Enemies. I own, said Mr. S. that he was brave, and every other way a Hero if you please; but I cannot think him one in this: Was it heroick, and not rather weak and foolish, to join with Jesuits or Assassins, in order to escape Assassination? Like the Man, who upon seeing an Execution, dispatch'd himself, and dy'd for fear of Death. Thus that King and many other Princes have lost themselves; whereas our *Tudor* Race, old *Harry* and his Daughter, could boldly throw down Convents, and hang Jesuits, &c. They took the wise and princely way of securing their Persons, by making sure, not of the Affections of their Enemies, but of their Heads, by putting it not out of their Will (which they themselves could not do) but out of their Power to make such Attempts; and so it far'd with them. But do you in good earnest, continu'd he, believe there's any thing of this at the bottom? Tho you be warm, answer'd Mr. R. I know you are discreet, and will keep my Secret. I own then to you, that both I and others have observ'd a Change ever since *Charnock's* Plot, and it's the only Key we have for decyphering many things that have happen'd since. O unhappy *Charnock*! cry'd out Mr. S. bang'd and damn'd without the Comfort of knowing that he had succeeded! Thus the Partition is another unfortunate Jolly, and cannot be resented, and that was my Point: The Mule stumbled, and he was drown'd. The Emperor gave a Pretence, pag. 10. and Friend Partition was lost: However, the Mule discover'd a Bargain by dropping Treachery; Would to God some Mule of a Minister had stumbled four Months ago, and drop'd Enmity; but what can our trifling, clandestine, intercepted Treachery signify? Since their open Perfidy, back'd with Scorn and Insolence, hath amounted to nothing, it must be as you intimate, I would be glad to be sure there were no more in it; for a War

will

All Men compounded of Contradictions.

will break that Chain which alone were a good Reason for one. You'll be of my Mind when you have thought on it: I shall now detain you but a very little while. Forgive me for interrupting you, said Mr. R. till you have satisfy'd me in one thing, lest I forget it: Pray what makes you so violent against us? I always hop'd that we had one hold or other of you, and that there was still as much of the old Leven remaining, as upon occasion would have levent'd the whole Lump. Sir, said he, in a word, I love my Country, and know you, and that's all; I am for no Divorce. Divorces cost dear, and there's but one common Interest, if you would follow it. And therefore, tho I talk with Heat and Indignation against you, and am indeed always against you, when you are against your selves; yet no Man is more desirous than I am to see you return to a right mind; nor when that is, will be more ready to serve you: In short, this is the bottom I am on. And I'll now conclude with that which I think an Instance of it in my plain and rough way, however impertinent you at Court will reckon it to be.

It can then no more be controverted, that by the Partition-Treaty, supposing the French ^{Corollary,} had rejected the Will, and stuck to it, the Ballance of Europe was given up to prevent ^{in respect to} a War, say the Partitioners (which is owning the Fact.) To maintain which Ballance we and all the rest of Europe, except the Enemies of the Ballance, have been making War near these 200 Years. Now pray tell me, is not this Yielding to shun Fighting, the very Character of a Coward? Sure no Hero ever did so: And shall it be told to Posterity, that our Hero, the Hero of the Age, the Hereditary Hero and Protector NOT OF THE PEACE BUT OF THE BALLANCE AND LIBERTIES OF EUROPE, shall have done it! shall have given all up without a Blow, without putting it to a Trial, without leaving somewhat to Providence, and waiting till the Danger came, or possibly till it was over; till the King of Spain died, or the Archduke had been on the Throne! He, the peculiar and unparallel'd Honour of whose Family it is, to have almost, in the memory of Man, maintain'd that Ballance against the two powerful Pretenders in their several Turns, France and Spain, and who will perfect and finish the incomparable weight of Glory which has been transmitted to him, beighten'd by him, and must with his Family it seems terminate in him (for it will admit of no further addition but that at hand) Provided, I say, upon this wonderful Conjunction, the Crisis of his Character and story, he can restore, maintain and exalt that Character, by restoring and maintaining, there is no other way, the Ballance (for as it sinks, he and the harmonious Sound of ORANGE must sink too) restore it not against France or Spain, as he and his Ancestors have done, but against France and Spain united under one Head, and in one Empire, which never Man did, nor had Opportunity to do, and which it is the Star and Heaven of a Hero to have, and lay hold on; but the Disgrace and Reprobation of a Hero, to have and let go. He finishes, I say, his Character, and the Glory of his Family, if he does this, or even if he DIES IN THE ATTEMPT. And which, after all, he may still do, if barring or breaking, upon so heinous and publick an Indignity done him, the Chains of Conferences, solemn favourite Embassies, Partitionings, and all other Works of Darknes, he resume himself, act above-board, own the Cause, and those that are for him and it; and laying aside all little froward Politicks or RESENTMENTS, AND RUINOUS NOT TENABLE PREROGATIVES, throw himself upon his People, trust them; and God who is good, tho absent, may yet bless him, and turn the Hearts as well as the Eyes of all honest Men towards him. Thus here the Glory and Magnificence of the second Temple may come to excel those of the first. His Age and Health may be supported and cherish'd, not with the Pleasures and Honours of his Youth, the awkward Satisfaction in Successes got by Defeats, Successes by Patience, and Perseverance in a tedious Course of Misfortunes, by miserable insensible Progresses in a languishing consuming War, in which even the most inconsiderable Advantages scarcely ever fail'd to have for inseparable Companions a bitter Draught, unlucky Mixtures that alloy'd or lost the Pleasure of them.

But his Age may be solac'd with true and lasting Felicity, not transient Amusements, but solid Contentment, the permanent and unmix'd Pleasures of a serene Mind: A Mind conscious of its own Innocence and Integrity; conscious of the Purity of Intentions, sublime and sutable to the Dignity of a Noble Cause: A Mind rejoicing in the Prospect of what is to come, by confiding in such a Conscience, or the Memory of what is past.

Rejoicing in Successes, in which these Kingdoms and all Europe may share: Successes got with undoubted Honour, and by unquestion'd Victories: VICTORIES OVER HIMSELF (WHERE VICTORY MUST BEGIN) Over his Enemies (who can't resist a Prince that conquers himself) and in the Hearts of his People, where Vic-

tory never fails to follow, not FIGHTING WITH THEM, but Love for them, and Confidence in them.

Such are the LAURELS that will render him every way Immortal: Laurels that will never fade, but transmit him to what is next, and to Posterity (the two IMPARTIAL Tribunals, and therefore only terrible to such as need PARTIALITY) Transmit him, WILLIAM THE GREAT, who deceiv'd all Mankind, and dy'd Greater than he had liv'd, dy'd Sealing and Bequeathing to them, as the Result of his Life and Experience, that after all, THERE IS NOTHING GOOD IN POWER BUT POWER TO DO GOOD.

Publish'd
in 1701.

A Collection of several Treaties, &c. since the late Revolution.

V I Z.

- I. The *English* Declaration of War against the *French* King.
- II. The Grand Alliance between the Emperor, the King of *England*, and States General; with the Separate Article for securing the *Spanish* Succession to the Emperor and his Family.
- III. The Treaty at *Reswick*.
- IV. The first Treaty of Partition for dividing the *Spanish* Monarchy in relation to the Electoral Prince of *Bavaria*.
- V. The Secret Articles relating to the Elector of *Bavaria*, the Dutchy of *Milan*, &c.
- VI. The Second Treaty of Partition in relation to the Archduke of *Austria*.

The EPISTLE.

S I R,

Why these
Treaties
were pub-
lish'd.

OF late the publick Treaties betwixt this Kingdom and others, have been the great Subject of Conversation; and, as it generally falls out in such Cases, Men differ'd very much in their Accounts of them, and in their Commentaries upon them. Some would not allow that there were any such things as Private Articles to any of these Treaties; and others fancy'd these Private Articles to contain the greatest and most important Secrets that ever were heard of. So that instead of the real Matters of Fact, we were impos'd upon by the Humourists of all Parties, who were for commending or condemning things, as they thought they were for or against their own Interest. You know it was just so with the late Treaty of Partition, and therefore to undeceive you, I publish'd it as soon as I could get such a Copy of it from my Friend beyond Sea, as I could rely upon.

In answer to your Desire, I have done the like now by the other following Treaties, which my Friend assures me are as true and genuine as the former.

To set the
Matter in
a true
Light.

I hope they will set that Matter in a true Light, and inable those who delight in such Subjects, to discourse of them with more Truth and Judgment than most of our talkative Sparks have generally done of late. By this they will see how ill-grounded some Mens Clamours have been against the two Houses for inquiring into these Matters, and how far on the other hand some Mens ill Nature prompted them to aggravate things beyond all appearance of Truth. Since both Houses of Parliament, who must be own'd to have most right to do it, have given their Judgments of the Treaties of Partition, 'twere presump-

tion

tion for any particular Person to offer to say more ; and it might be thought to deserve a harsher Name from any Man to say otherwise, and therefore you will allow me to fix a Period here as to that Matter.

'Twas also thought necessary to insert in this Collection, their Majesties Declaration of War against France in May 1689, and the Treaty of Reswick, which brought that War to a Conclusion in 1697. By this it will appear whether the Observation of the Peace of Reswick, propos'd now by France as a sufficient Security for Europe, be really so or not ; and whether there be any ground for the Suggestions of those Gentlemen, who are so good-natur'd as to say, that they know nothing upon which we could found a Declaration of War against France. If they will give themselves leave to compare their Majesties Declaration of War with the Treaty of Reswick, they will find that the French are still considerably in Arrears to us as to the Satisfaction of those Demands, which their new Treacheries give us ground to insist on : and that they have contracted a much greater Debt since, for which they deserve to be call'd to an account, is evident by the following Instances.

1. Their chicaning with us and our Allies, as to the performance of the Treaty of Reswick.

Provecati-
one given
us by
France to
enter into
a War..

2. The Affronts they have put upon us, by engaging us in their Treaties of Partition, which they themselves never design'd to perform, and have scandalously broke.

3. By their breaking the Balance of Europe, in usurping the Monarchy of our Allies the Spaniards, contrary to the Treaty of the Pyrenees, and their King's Contract of Marriage.

4. Their depriving our Ally, the Emperor, of his Right of Succession to that Crown, which we are oblig'd to defend by the Separate Article of the Grand Alliance.

5. Their huffing Memorials to our Allies the Dutch, and their advancing against them with their Troops, and raising Fortifications upon their Frontiers ; which puts us to the Trouble and Expence of assisting the Dutch with 10000 Landmen, and 20 Men of War, according to the Treaty of 1677. the present necessity of which is own'd both by King and Parliament.

6. The seizing of Flanders by the French, which deprives us, and our Allies the States, of that which was always accounted our natural Barrier ; so that the seizing of some Towns there was judg'd by the Parliament to be a good Cause of War in King Charles the Second's Reign.

7. The French King taking upon him the Administration of the Spanish Government, contrary to the pretended Will of the late King of Spain, tho' it be the best Tenure by which his Grandson holds his Crown. This is likewise contrary to all the Treaties betwixt France and Spain, wherein 'tis expressly declar'd, That the Union of the two Crowns is inconsistent with the Welfare of the respective Kingdoms, and with the Safety of Europe. Which is every whit as strong, or rather stronger against their being under one Administration, because it must needs be more fatal to Spain.

8. The great Preparations that the French King makes to interrupt our Commerce to the Straits and elsewhere, and his palpable Designs of enslaving all Europe.

I shall add no more, but that as it is undoubtedly against the Interest of all Christendom, that a French Prince should enjoy the Throne of Spain, it reflects a peculiar Dishonour upon England to join with France in owning a Title to that Crown by Female Descent, since the French will not allow the Right of our Kings to the Crown of France by the like Title, tho' the Daughter of France, who was Queen of England, never renounc'd her Right to the Succession of France, as the Infanta renounc'd hers to the Crown of Spain.

May 10. 1701.

I am, SIR, &c.

Their

Their Majesties Declaration of War against the French King.

WILLIAM R.

Declara-
tion of War
against the
Fr. King.

IT having pleas'd God to make Us the happy Instrument of rescuing these Nations from great and imminent Dangers, and to place Us upon the Throne of these Kingdoms, We think our selves oblig'd to endeavour to the uttermost to promote the Welfare of our People, which can never be effectually secur'd, but by preventing the Miseries that threaten them from abroad.

When we consider the many unjust Methods the *French* King hath of late Years taken to gratify his Ambition, that he has not only invaded the Territories of the Emperor, and of the Empire, now in Amity with Us, laying wast whole Countries, and destroying the Inhabitants by his Armies, but declar'd War against our Allies without any Provocation, in manifest Violation of the Treaties confirm'd by the Guaranty of the Crown of *England*; We can do no less than join with our Allies in opposing the Designs of the *French* King, as the Disturber of the Peace, and the common Enemy of the Christian World.

And besides the Obligations we lie under by Treaties with our Allies, which are a sufficient Justification of Us for taking up Arms at this time, since they have call'd upon us so to do, the many Injuries done to Us and to our Subjects, without any Reparation, by the *French* King, are such, that (however of late years they were not taken notice of, for Reasons well known to the World) nevertheless we will not pass them over without a publick and just Resentment of such Outrages.

French un-
dertaking
to fish at
Newfound-
land with-
out our Li-
cence,

Invading
the Ca-
ribbee
Islands,

It is not long since the *French* took Licences from the *English* Governor of *Newfoundland*, to fish in the Seas upon that Coast, and paid a Tribute for such Licences, as an Acknowledgment of the sole Right of the Crown of *England* to that Island: and yet of late the Incroachments of the *French* upon our said Island, and our Subjects Trade and Fishery, have been more like the Invasions of an Enemy, than becoming Friends, who enjoy'd the Advantages of that Trade only by Permission.

But that the *French* King should invade our *Caribbee* Islands, and possess himself of our Territories of the Province of *New-York* and of *Hudson's Bay*, in a hostile manner, seizing our Forts, burning our Subjects Houses, and enriching his People with the Spoil of their Goods and Merchandizes, detaining some of our Subjects under the Hardship of Imprisonment, causing others to be inhumanely kill'd, and driving the rest to Sea in a small Vessel, without Food or Necessaries to support them, are Actions not becoming even an Enemy; and yet he was so far from declaring himself so, that at that very time he was negotiating here in *England* by his Ministers a Treaty of Neutrality and good Correspondence in *America*.

Permit-
ting the
seizing our
Ships by his
Privateers,

The Proceedings of the *French* King against our Subjects in *Europe*, are so notorious, that we shall not need to enlarge upon them; his countenancing the Seizure of *English* Ships by *French* Privateers, forbidding the Importation of a great part of the Product and Manufactures of our Kingdom, and imposing exorbitant Customs upon the rest, notwithstanding the vast Advantage he and the *French* Nation reap'd by their Commerce with *England*, are sufficient Evidences of his Designs to destroy the Trade, and consequently to ruin the Navigation, upon which the Wealth and Safety of this Nation very much depends.

Right of
the Flag
disputed by
his Order,

The Right of the Flag, inherent in the Crown of *England*, has been disputed by his Orders in Violation of our Sovereignty of the Narrow Seas, which in all Ages has been asserted by our Predecessors, and we are resolv'd to maintain, for the Honour of our Crown, and of the *English* Nation.

And inhu-
man Perse-
cutions of
the Prote-
stants, Cau-
ses of the
War.

But that which most nearly touches us, is his unchristian Prosecution of many of our *English* Protestant Subjects in *France* for Matters of Religion, contrary to the Law of Nations, and express Treaties, forcing them to abjure their Religion by strange and unusual Cruelties, and imprisoning some of the Masters and Seamen of our Merchants Ships, and condemning others to the Gallies, upon pretence of having on board either some of his own miserable Protestant Subjects, or their Ef-

fects.

fects. And lastly, as he has for some years last past, endeavour'd by Insinuations and Promises of Assistance, to overthrow the Government of *England*; so now by open and violent Methods, and the actual Invasion of our Kingdom of *Ireland*, in support of our Subjects in Arms and in Rebellion against Us, he is promoting the utter Extirpation of our good and loyal Subjects in that our Kingdom.

Being therefore thus necessitated to take up Arms, and relying on the Help of Almighty God in our just Undertaking, We have thought fit to Declare, and do hereby Declare War against the *French King*, and that We will, in conjunction with our Allies, vigorously prosecute the same by Sea and Land (since he hath so unrighteously begun it) being assur'd of the hearty Concurrence and Assistance of our Subjects in support of so good a Cause; hereby willing and requiring our General of our Forces, our Commissioners for executing the Office of High Admiral, our Lieutenants of our several Counties, Governors of our Forts and Garisons, and all other Officers and Soldiers under them by Sea and Land, to do, and execute all Acts of Hostility in the Prosecution of this War against the *French King*, his Vassals and Subjects, and to oppose their Attempts: Willing and Requiring all our Subjects to take notice of the same, whom we henceforth strictly forbid to hold any Correspondence or Communication with the said *French King*, or his Subjects. And because there are remaining in our Kingdoms many of the Subjects of the *French King*, We do Declare and give our Royal Word, That all such of the *French Nation* as shall demean themselves dutifully towards us, and not correspond with our Enemies, shall be safe in their Persons and Estates, and free from all Molestation and Trouble of any kind.

Given at our Court at Hampton-Court the 7th day of May, 1689. in the first Year of Our Reign.

God save King William and Queen Mary.

The Grand Alliance betwixt the Emperor and the States General, concluded at Vienna, May 12, 1689. whereinto his Majesty of Great Britain entred, Dec. 9. 1689. together with the Separate Article.

WILLIAM the Third, by the Grace of God, King of *Great Britain, France and Ireland*, Defender of the Faith, &c. To all and every one to whom these Presents shall come, Greeting. Whereas a certain Treaty of Friendship and stricter Alliance between the most Serene, most Potent, and most Invincible Prince and Lord Leopold, by the Grace of God, elect *Roman Emperor*, always August, and of *Germany, Hungary, Bohemia, Dalmatia, Croatia, Slavonia, &c.* King, &c. and the High and Mighty Lords the States General of the *United Provinces*, was made and concluded at *Vienna* the 12th day of *May* last past on the Emperor's part, by *Leopold William Count of Konigsberg*, Vice-Chancellor of the Empire, &c. and *Theodore Albete Henry Count of Stratzman*, Chancellor of the Court, his Imperial Majesty's Plenipotentiaries and Counsellors of State: And on the part of the States General, by *Jacob Hop*, Counsellor and Recorder of the City of *Amsterdam*, and Deputy for *Holland and Westfrizeland* in the Assembly of the States General: The Tenor of which Treaty is as followeth.

BE it known and declar'd, that altho the Treaty concluded at the *Hague* a few Years since between his Sacred Imperial Majesty, and the High and Mighty Lords the States General of the *United Provinces* for their mutual Defence, does yet remain in its full Vigour; nevertheless both his Imperial Majesty, and the said States General, considering the Greatness of the common Danger which threatens all *Christendom* since the last *French Invasion*, and the unconstant Faith of the *French* in the observance of Treaties, have judg'd it necessary to strengthen the Conditions

tions of the aforesaid Treaty, and the former Union, with stricter and firmer Ties; and at the same time to consider of more effectual Means, as well for restoring as preserving the publick Peace and Safety: And therefore the Plenipotentiaries constituted to that Purpose by both Parties, viz. by his Imperial Majesty, his Counsellors of State, *Leopold William* Count of *Konigsfegg* Vice-Chancellor of the Empire, &c. and *Theodore Althete Henry*, Count of *Stratman*, Chancellor of the Court; and by the States General, *Jacob Hop* Counsellor and Recorder of the City of *Amsterdam*, and Deputy for *Holland* and *Westfrizeland* in the Assembly of the States General, after the mutual Exchange of their full Powers, have covenanted and agreed in the Manner following.

I.

There shall be and remain for ever a constant, perpetual, and inviolable Friendship and good Correspondence between his Imperial Majesty and the States General; and each of them shall be oblig'd earnestly to promote the others Interests, and as much as in them lies to prevent all Damages and Inconveniences to them.

II.

Both Parties shall act offensively against France.

And whereas the *French King* has lately, without any lawful Cause or Pretext, attack'd, as well his Imperial Majesty as the States General, by a most grievous and most unjust War, there shall be during the same not only a Defensive, but also an Offensive Alliance between the contracting Parties, by virtue whereof they shall both of them act in a hostile manner with all their Forces by Sea and Land against the said *French King*, and such of his Allies as upon Exhortation to be us'd for that Purpose shall refuse to separate themselves from him; and they shall also communicate to one another their Advices for the more usefully contriving the Actions of the War, either jointly or separately, for the Destruction of the common Enemy.

III.

No Treaty between either Party and France without the Consent of the other.

It shall not be lawful for either Party to withdraw from this War with *France*, or to enter separately upon any Convention, Treaty of Peace, or Cessation of Arms with *France*, and its Adherents, upon any Pretext whatsoever, without the Consent and Concurrence of the other Party.

IV.

There shall by no means any Peace be concluded before the Peace of *Westphalia* and those of *Osnabrug*, *Munster*, and the *Pyreneans*, have by the help of God, and by common Force, been vindicated; and that all things both in Church and State are restor'd to their former Condition, according to the Tenor of the same.

V.

In case any Negotiations of Peace or Truce shall, by common Consent, be entred into, all things that are transacted shall on both sides be communicated, *bona fide*; nor shall one conclude any thing without the Consent and Satisfaction of the other.

VI.

After a Peace concluded there shall remain a defensive Alliance.

After the present War, by common Consent, shall be ended, and a Peace concluded, there shall remain between his Sacred Imperial Majesty, his Heirs and Successors, and the States General of the *United Provinces*, a perpetual defensive Alliance against the aforementioned Crown of *France* and its Adherents, by virtue whereof both Parties shall use their utmost Endeavors that the Peace to be made may remain firm and perpetual.

VII.

But if it should happen that the Crown of *France* should again attack one or both of the Confederate Parties, contrary to the said Peace, at what time soever this shall be done, they shall be oblig'd faithfully to assist each other with all their Forces, and in the same manner as now, both by Sea and Land, and to repel all manner of Hostility and Violence, and not to desist till all things are brought again into their former state, according to the Conditions of the aforesaid Peace, and that Satisfaction be given to the Party offended.

VIII.

Further his Imperial Majesty, and the States General shall at all times, and by all means, and with all their Forces, protect and defend all the Rights of each other against the Crown of *France* and its Adherents; nor shall they themselves do any Prejudice to each other in their said Rights.

IX.

IX.

If there are any Controversies between the contracting Parties on occasion of the Limits of their Dominions, or that any such should arise hereafter, they shall be accommodated and composed in a friendly manner, either by a Commission, or Ministers deputed by both Sides, without making use of any manner of Force, and in the mean time nothing shall be innovated therein.

X.

There shall be invited into the Society of this present Treaty by his Imperial Majesty the Crown of Spain, and by the States General the Crown of England; and there shall be likewise admitted into the same all the Allies and Confederates of either Party who shall think fit to enter into the same.

XI.

This Treaty shall be ratify'd by both Sides within the space of four Weeks, or sooner if it may be.

In Witness whereof, and for a greater Confirmation of the Credit and Sincerity hereof, there are two Instruments of the same Tenor, Made, and Signed, and Sealed by the Plenipotentiaries of both Parties; and reciprocally Exchanged.

Done at Vienna the 12th of May, 1689.

(L S) Leopold William Count of Konigsfegg.

(L S) T. A. Henry Count of Stratman.

(L S) J. Hop.

Whereas the High and Mighty Lords, the States General of the United Provinces, have sent to us their Ambassadors Extraordinary, Copys of the Alliance lately concluded with his Sacred Imperial Majesty, to the end that we should in their Name invite the King of Great Britain to enter into this Alliance, We the underwritten Ambassadors Extraordinary do declare, That these are true and accurate Copies of those that were sent us; for the Confirmation whereof we have made this Declaration $\frac{1}{2}$ September, 1689.

A Schimmelpenninck.

Vander Oge.

Arnoulk Van Citters.

N. Witsen.

De Weerde.

And whereas the States General have, by their Ambassadors Extraordinary, invited us by Virtue of the tenth Article to enter into the Alliance of the aforesaid Treaty; We who desire nothing more than to lay hold of all those Means which are necessary and most useful for restoring and preserving the publick Peace and Quiet, do the more readily come into the same, that we may give this Proof of our Sincere Affection and Friendship for his Imperial Majesty, and the said States General. Know ye therefore, that we having perus'd, and maturely consider'd the said Treaty, have accepted, approv'd, and ratify'd, as we do by these Presents, for Us, our Heirs and Successors, accept, approve, and ratify the same, together with all and every Article thereof, engaging, and upon the Word of a King promising, that we will religiously and inviolably observe and perform the said Treaty, without violating it in any Article, or suffering it to the utmost of our Power to be violated: Provided always that his Sacred Imperial Majesty, and the said States General do admit Us into the said Treaty, and give and deliver to us the necessary Instruments respectively drawn up in the best manner. In further Witness and Testimony whereof, we have caus'd our Great Seal of England to be affix'd to these Presents. Signed with our Hand. Given at our Court at Hampton Court, the 9th day of December, in the Year of our Lord, as above, 1689. and of our Reign the first.

K. W. enters into the said Alliance.

WILLIAM R.

Separate Article.

Separate
Article to
assert the
Emperor's
Right to
the Spanish
Succession.

FRANCE having openly declar'd, in several Places and Courts, that notwithstanding the most solemn Renunciation, they still pretend by force of Arms to assert for the Dauphin the Succession of the Spanish Monarchy, in case his Catholick Majesty should die without lawful Issue, and publicly aiming to make the said Dauphin King of the Romans: The States General of the United Provinces maturely considering what a Blow either of these Pretensions would give to their State, and what Prejudice it would bring to the Publick Affairs and Quiet, do promise by these Separate Articles, which are as valid as if they had been inserted word for word in the Principal Treaty; first, that in case the present King of Spain should die without lawful Issue (which God forbid) they will, with all their Forces, assist his Sacred Imperial Majesty or his Heirs, in taking the Succession of the Spanish Monarchy, lawfully belonging to that House, together with its Kingdoms, Provinces, Dominions and Rights, and in their obtaining and securing the quiet Possession thereof against the French and their Adherents, who shall directly or indirectly oppose this Succession, and with Force repulse the Force they bring against them.

And endeavor that the Emperor's Son be chose King of the Romans.

They will likewise use all friendly Offices and Endeavors with the Princes Electors of the Empire their Confederates, that the most Serene Joseph King of Hungary, his Imperial Majesty's eldest Son, may be speedily chose King of the Romans: And if France should by Threats or Arms hinder, oppose, or any way disturb this Election, they will in opposition thereto assist his Sacred Imperial Majesty with their utmost Force.

The Crown of England shall be likewise invited to enter into the Agreement of these Articles, made at Vienna the 12th of May, 1689.

Signed,

(L S) T. A. Henry Comes de Stratman.

(L S) J. Hop.

Whereas the High and Mighty Lords, the States General of the United Provinces, have sent to Us their Ambassadors Extraordinary Copys of the Separate Articles of the Treaty lately concluded with his Sacred Imperial Majesty, to the end that we should in their Name invite the King of Great Britain to enter into this Alliance, We the underwritten Ambassadors Extraordinary do declare, That these are true and accurate Copies of the Separate Articles of the aforesaid Treaty. For the Confirmation whereof we have made this Declaration $\frac{1}{2}$ September, 1689.

A. Schimmelpeninck.

Vander Oge.

Arnoulx Van Citters.

N. Witsen. W. de Nassau,

De Weede.

These Separate Articles were ratify'd in the same manner as the Treaty.

Articles

Articles of Peace between the most Serene and Mighty Prince William the Third, King of Great Britain, and the most Serene and Mighty Prince Lewis the Fourteenth, the most Christian King, concluded in the Royal Palace at Reswicke the 10th Day of September, 1697.

THAT there be a Universal Perpetual Peace, and a true and sincere Friendship between the most Serene and Mighty Prince *William the Third King of Great Britain*, and the most Serene and Mighty Prince *Lewis the Fourteenth the most Christian King*, their Heirs and Successors, and between the Kingdoms, States and Subjects of both; and that the same be so sincerely and inviolably observ'd and kept, that the One shall promote the Interest, Honor, and Advantage of the Other; and that on both sides a Faithful Neighborhood and true Observation of Peace and Friendship may daily flourish and increase.

Articles of Peace between King W. and the Fr. King.

II.

That all Enmities, Hostilities, Discords, and Wars, between the said King of *Great Britain* and the most Christian King, and their Subjects, cease and be abolish'd; so that on both sides they forbear and abstain hereafter from all Plundering, Depredation, Harm-doing, Injuries, and Infestation whatsoever, as well by Land as by Sea, and on fresh Waters, every where; and especially throughout all the Kingdoms, Territories, Dominions, and Places, belonging to each other, of what Condition soever they be.

III.

That all Offences, Injuries, Damages, which the said King of *Great Britain* and his Subjects, or the said Most Christian King and his Subjects have suffer'd from each other during this War, shall be forgotten; so that neither on account of them, or for any other Cause or Pretence, neither Party, or the Subjects of either, shall hereafter do, cause or suffer to be done any Hostility, Enmity, Molestation, or Hindrance to the other, by himself or others, secretly or openly, directly or indirectly, by colour of Right or way of Fact.

IV.

And since the most Christian King was never more desirous of any thing, than that the Peace be firm and inviolable, the said King promises and agrees for himself and his Successors, That he will on no Account whatsoever disturb the said King of *Great Britain* in the free Possession of the Kingdoms, Countries, Lands or Dominions which he now enjoys; and therefore engages his Honor, upon the Faith and Word of a King, that he will not give or afford any Assistance, directly or indirectly, to any Enemy or Enemies of the said King of *Great Britain*: And that he will in no manner whatsoever favour the Conspiracies or Plots which any Rebels, or ill-dispos'd Persons, may in any Place excite or contrive against the said King: And for that end promises and engages, That he will not assist with Arms, Ammunition, Ships, Provisions or Money, or in any other way, by Sea or Land, any Person or Persons, who shall hereafter, under any pretence whatsoever, disturb or molest the said King of *Great Britain* in the free and full Possession of his Kingdoms, Countries, Lands and Dominions. The King of *Great Britain* likewise promises and engages for himself and Successors, Kings of *Great Britain*, That he will inviolably do and perform the same towards the said most Christian King, his Kingdoms, Countries, Lands and Dominions.

Fr. K. promises not to disturb K. Will. in his Possession of the English Throne.

V.

That there be a free use of Navigation and Commerce between the Subjects of both the said Kings, as was formerly in the time of Peace, and before the Declaration

ration

ration of the late War; so that every one of them may freely come into the Kingdoms, Marts, Ports and Rivers of either of the said Kings with their Merchandizes, and may there continue and trade without any molestation; and shall use and enjoy all Liberties, Immunities and Privileges granted by Solemn Treaties, and Antient Custom.

VI.

That the ordinary Administration of Justice shall be restored and set open throughout the Kingdoms and Dominions of both Kings, so that it shall be free for all the Subjects of either to claim and obtain their Rights, Pretensions and Actions, according to the Laws, Constitutions and Statutes of each Kingdom.

VII.

Restoring
of Places.

The Most Christian King shall restore to the said King of Great Britain, all Countries, Islands, Ports and Colonies wheresoever situated, which the English did possess before the Declaration of this present War; and in like manner the King of Great Britain shall restore to the most Christian King all Countries, Islands, Ports and Colonies wheresoever situated, which the French did possess before the said Declaration of War. And this Restitution shall be made on both Sides, within the space of six Months, or sooner if it can be done. And to that end, immediately after the Ratification of this Treaty, each of the said Kings shall deliver, or cause to be deliver'd to the other, or to Commissioners authoriz'd in his Name for that purpose, all Acts of Concession, Instruments, and necessary Orders, duly made and in proper Form; so that they may have their proper Effect.

VIII.

Right to
Hudsons-
Bay how
settled.

Commissioners shall be appointed on both Sides, to examine and determine the Rights and Pretensions which either of the said Kings hath to the Places situated in Hudsons-Bay; but the Possession of those Places which were taken by the French during the Peace that preceded this present War, and were retaken by the English during this War, shall be left to the French, by virtue of the foregoing Article. The Capitulation made by the English on the 5th of September 1696. shall be observ'd, according to its Form and Tenor; Merchandises therein mention'd shall be restor'd; The Governour of the Fort taken there shall be set at Liberty, if it be not already done: The Differences arisen concerning the Execution of the said Capitulation, and the Value of the Goods there lost, shall be adjudg'd and determin'd by the said Commissioners; who immediately after the Ratification of the present Treaty, shall be invested with sufficient Authority for settling the Limits and Confines of the Lands to be restor'd on either side, by virtue of the foregoing Article, and likewise for exchanging of Lands, as may conduce to the mutual Interest and Advantage of both Kings.

And to this end the Commissioners, so appointed, shall within the space of three Months from the time of the Ratification of the present Treaty, meet in the City of London, and within six Months, to be reckon'd from their first Meeting, shall determine all Differences and Disputes which may arise concerning this Matter: After which, the Articles the said Commissioners shall agree to, shall be ratify'd by both Kings, and shall have the same Force and Vigor, as if they were inserted word for word in the present Treaty.

IX.

Letters of
Marque,
Sec. to be
void.

All Letters, as well of Reprisal as of Marque and Counter-Marque, which hitherto have for any Cause been granted on either Side, shall be, and remain Null and Void: Nor shall any the like Letters be hereafter granted by either of the said Kings against the Subjects of the other, unless it be first made manifest that Right hath been deny'd; and it shall not be taken for a denial of Right, unless the Petition of the Person who desires Letters of Reprisal to be granted to him, be first shewn to the Minister residing there on the part of the King, against whose Subjects those Letters are desir'd; that within the space of four Months or sooner, he may inquire into the contrary, or procure that Satisfaction be made with all speed from the Party offending to the Complainant. But if the King against whose Subjects Reprisals are demanded, have no Minister residing there, Letters of Reprisal shall not be granted till after the space of four Months, to be reckon'd from the Day on which his Petition was made and presented to the King, against whose Subjects Reprisals are desir'd, or to his Privy Council.

X.

For cutting off all Matter of Dispute and Contention, which may arise concerning the Restitution of Ships, Merchandises, and other moveable Goods, which
either

either Party may complain to be taken and detain'd from the other, in Countries, and on Coasts far distant, after the Peace is concluded, and before it be notify'd there; All Ships, Merchandises, and other moveable Goods, which shall be taken by either Side, after the Signing and Publication of the present Treaty, within the space of twelve Days in the British and North Seas, as far as the Cape St. Vincent; Within the space of ten Weeks beyond the said Cape, and on this side of the Equinoctial Line or Equator, as well in the Ocean and Mediterranean Sea, as elsewhere: Lastly, Within the space of six Months beyond the said Line throughout the whole World, shall belong and remain unto the Possessors, without any Exception or further Distinction of Time or Place, or any Consideration to be had of Restitution or Compensation.

XI.

But if it happens through Inadvertency or Imprudence, or any other Cause whatever, that any Subject of either of the said two Kings, shall do or commit any thing by Land or Sea, or on fresh Water, any where, contrary to the present Treaty, or that any particular Article thereof is not fulfilled: This Peace and good Correspondence between the said two Kings, shall not on that account be interrupted or infringed, but shall remain in its former Force, Strength and Vigour, and the said Subject only shall answer for his own Fact, and undergo the Punishment to be inflicted, according to the Custom and Law of Nations.

XII.

But if (which God forbid) the Differences now compos'd between the said Kings should at any time be renew'd, and break out into open War, the Ships, Merchandises, and all kind of moveable Goods of either Party, which shall be found to be and remain in the Ports and Dominions of the adverse Party, shall not be confiscated or brought under any Inconvenience, but the whole space of six Months shall be allow'd to the Subjects of both the said Kings, that they may carry away and transport the foresaid Goods, and any thing else that is theirs, whether they shall think fit, without any molestation.

XIII.

For what concerns the Principality of *Orange*, and other Lands and Dominions belonging to the said King of *Great Britain*: The separate Article of the Treaty of *Nimeguen*, concluded between the most Christian King and the States General of the *United Provinces*, the 10th day of *August* 1678. shall, according to its Form and Tenor, have full Effect; and all things that have been innovated and alter'd, shall be restor'd as they were before. All Decrees, Edicts, and other Acts, of what kind soever they be, without exception, which are in any manner contrary to the said Treaty, or were made after the conclusion thereof, shall be held to be null and void, without any revival or consequence for the future: And all things shall be restor'd to the said King in the same state, and in the same manner, as he held and enjoy'd them before he was dispossest'd thereof in the time of the War, which was ended by the said Treaty of *Nimeguen*, or which he ought to have held and enjoy'd according to the said Treaty. And that an end may be put to all Troubles, Differences, Processes and Questions, which may arise concerning the same, both the said Kings will name Commissioners, who with full and summary Power may compose and settle all these Matters. And forasmuch as by the Authority of the most Christian King, the King of *Great Britain* was hindred from enjoying the Revenues, Rights and Profits, as well of his Principality of *Orange*, as of other his Dominions, which after the conclusion of the Treaty of *Nimeguen*, until the Declaration of the present War, were under the Power of the said most Christian King, the said most Christian King will restore, and cause to be restor'd in reality, with Effect, and with the Interest due, all those Revenues, Rights and Profits, according to the Declarations and Verifications that shall be made before the said Commissioners.

The Principality of *Orange* restor'd to the K. of Gr. Britain.

XIV.

The Treaty of Peace concluded between the most Christian King, and the late Elector of *Brandenburg* at *St. Germain en Laye*, the 29th of *June* 1679. shall be restor'd in all its Articles, and remain in its former Vigour between his Sacred most Christian Majesty, and his Electoral Highness of *Brandenburg*.

XV.

Whereas 'twill greatly conduce to the Publick Tranquillity that the Treaty be observ'd, which was concluded between his Sacred most Christian Majesty and his Royal Highness of *Savoy*, on the 9th of *August* 1696. 'tis agreed that the said Treaty shall be confirm'd by this Article.

XVI.

XVI.

*K. of Sweden com-
prehended
in the Treaty
of Peace.*

Under this present Treaty of Peace shall be comprehended those who shall be nam'd by either Party, with common consent, before the Exchange of Ratifications, or within six Months after. But in the mean time, the most Serene and Mighty Prince *WILLIAM* King of *Great Britain*, and the most Serene and Mighty Prince *LEWIS* the most Christian King, gratefully acknowledging the sincere Offices, and indefatigable Endeavours which have been employ'd by the most Serene and Mighty Prince *Charles* King of *Sweden*, by the interposition of his Mediation, in bringing this happy Work of the Peace, with the Divine Assistance, to the desired Conclusion; and to shew the like Affection to him, 'tis by Consent of all Parties, stipulated and agreed, That his said, Sacred Royal Majesty of *Sweden* shall, with all his Kingdoms, Countries, Provinces and Rights, be included in this Treaty, and comprehended in the best manner in the present Pacification.

XVII.

Lastly, The Solemn Ratification of this present Agreement and Alliance made in due Form, shall be deliver'd on both Sides, and mutually and duly Exchang'd at the Royal Palace of *Reswick*, in the Province of *Holland*, within the space of three Weeks, to be reckon'd from the Day of Subscription, or sooner if it may be.

In Testimony of all and every the Things before-mention'd, and for their greater Force, and to give them all the Vigour and full Authority they ought to have, the Under-written Embassadors Extraordinary, and Plenipotentiaries, together with the Illustrious and most Excellent the Extraordinary Ambassador Mediator, have sign'd and seal'd the present Instrument of Peace. *Done, &c.*

Signed by the English and French Embassadors, and by the Mediator.

Separate Article.

*Emperor
allow'd till
Nov. 1. to
come into
this Treaty.*

BESIDES all that is concluded and stipulated by the Treaty of Peace sign'd this present Day the 20th of *September*, it is moreover agreed by the present Separate Article, which shall have the same Force and Effect as if it was inserted word for word in the said Treaty, That the most Christian King shall Covenant and Agree, and by the present Article does Covenant and Agree, That it shall be free for the Emperor and the Empire, until the 1st day of *November* next, to accept the Conditions of Peace lately propos'd by the most Christian King, according to the Declaration made on the 1st day of this present Month, unless in the mean time it shall be otherwise agreed between his Imperial Majesty and the Empire, and his most Christian Majesty. And in case his Imperial Majesty does not within the Time prefix'd accept those Conditions, or that it be not otherwise agreed between his Imperial Majesty and the Empire, and his most Christian Majesty, the said Treaty shall have its full Effect, and be duly put in Execution according to its Form and Tenor: And it shall not be lawful for the King of *Great Britain*, directly or indirectly, on any account or cause whatsoever, to act contrary to the said Treaty.

The French King's Power to the Count de Tallard to make the First Treaty of Partition.

LEWIS, by the Grace of God, King of *France* and *Navarr*, To all who shall see these Presents, greeting. The desire of maintaining the Tranquillity of *Europe*, join'd with the Esteem and Friendship we have for our most dear and most beloved Brother the King of *Great Britain*, having induc'd us to form stricter Engagements than before with our said Brother, and to take with him the necessary Measures

Measures for preventing those Events that might occasion new Wars, We make known, that we putting intire Confidence in the Experience, Capacity and Fidelity of our dear and well-beloved the Count de Tallard, Lieutenant-General of our Armies, and in our Province of *Dauphiny*, and our Ambassador Extraordinary in *England*, have constituted, appointed, and deputed, and by these Presents do constitute, appoint, and depute him to make, conclude and sign, in our Name, with our said Brother the King of *England*, or with the Commissioners that shall be nam'd by him, provided with full Powers on his part, such Treaties, Articles and Agreements, as the said Count de Tallard shall see good, with the same Liberty and full Power as we should or might do, if we were there present in Person, altho there were some Matter that requir'd a more especial Order than is contain'd in these Presents; promising, on the Faith and Word of a King, punctually to perform and execute, to prove and hold firm and stedfast, all that the said Count de Tallard shall promise and sign in our Name, by virtue of the present Power, without ever acting, or suffering any thing to be acted to the contrary, for what Cause, or under what Pretext soever it may be; as likewise to dispatch the Ratification thereof in good Form, within the Time that shall have been agreed upon. In witness whereof we have sign'd these Presents with our Hand, and caus'd our Privy-Seal to be affixed thereto. Given at *Versailles* the 19th day of *August*, in the Year of our Lord 1698. and of our Reign the 36th.

Signed Lewis, and on the Fold by the King, Colbert.

LEWIS, by the Grace of God, King of *France* and *Navarre*, To all who shall see these Presents, greeting. We have sent to our dear and well-beloved the Count de Tallard, Lieutenant-General of our Armies, and in our Province of *Dauphiny*, and our Ambassador Extraordinary in *England*, a Power to treat, conclude, make, and sign, with those who shall be provided with the like Power from our most dear and most beloved Brother the King of *Great Britain*, and the States-General of the *United-Provinces*, such Articles and Agreements as shall be adjudged necessary for preventing the Events that might disturb the Publick Tranquillity: And we have been willing at the same time, that we might omit no manner of thing that may or can depend on us, to authorize our most dear and most beloved only Son, the *Dauphin*, to give on his part all Acts necessary for the same End: For these Causes, and others hereunto moving, We have permitted, and by these Presents do permit our said Son to give to the said Count de Tallard, all the Powers that may or can be necessary for him to treat and transact concerning his Rights and Pretensions, and in pursuance thereof to make the Renunciation that shall be stipulated therein; promising, on the Faith and Word of a King, to approve the same, and to consent that they be perform'd and executed altogether, so, and in the same manner as that which shall be done pursuant to the Power that we have given to the said Count de Tallard. In witness whereof we have sign'd these Presents with our Hand, and caus'd our Privy-Seal to be put to the same.

Fr. King's
Power to
the Dau-
phin.

Given at *Versailles* the 19th day of *August*, in the Year of our Lord 1698. and of our Reign the 36th. Signed Lewis, and on the Fold by the King, Colbert.

L E W I S D.

LEWIS, Dauphin of *France*, the King's only Son, To all who shall see these Presents, greeting. Whereas we propose to our selves, to follow in all things the Example set us by the King, our most dear and most honour'd Lord and Father, We would chiefly imitate him in the sincere desire he has to maintain the Peace which *Europe* enjoys since the conclusion of the Treaty of *Reswick*; and his Prudence making him equally to foresee the Events capable of disturbing the Publick Tranquillity, and the Means to prevent their Effect, we do with pleasure apply our selves to the sacrificing our lawful Rights to contribute towards the Success of a Design, so conformable to the general Interest of Christendom. Wherefore our said most dear and most honoured Lord and Father, having been pleas'd

Dauphin's
Power to
the Count
de Tallard.

to communicate to us the Orders and Power which he has given for that Purpose, to our dear and well-beloved the Count *de Tallard*, Lieutenant-General of his Armies, and of his Province of *Dauphiny*, and his Embassador Extraordinary to our most dear and most beloved Brother the King of *England*, to conclude and sign with the said King a Treaty, the principal Object whereof is to be the Preservation of the Peace in *Europe*, if God should dispose of our most dear and most beloved Brother and Uncle the King of *Spain*, in the present Juncture: We have, in pursuance of the Power and Permission which hath been given unto us by our said most dear and most honour'd Lord and Father, given, and by these Presents sign'd with our Hand, do give full Power, Commission, and special Command to the said Count *de Tallard*, to renounce in our Name, and in that of our Children, Heirs and Successors, born, and to be born, all the Rights which shall or may lawfully appertain to us to the Monarchy of *Spain*, in case of the Death of our Brother and Uncle the Catholick King, which we transfer to our dear and most beloved Nephew the Prince, eldest Son to our dear and most beloved Brother, and Brother-in-Law, the Elector of *Bavaria*, and to his Descendants. And we do consent, that in case of the Death of our said Brother and Uncle the Catholick King, our said Nephew the Electoral Prince of *Bavaria*, may exercise and make good our said Right in our stead and place, over all the Kingdoms, Provinces and States depending on the Monarchy of *Spain*, excepting those which we shall reserve to our Selves, and to our most dear and most beloved Brother and Cousin the Arch-Duke *Charles of Austria*, second Son to our most dear and most beloved Brother the Emperor, according to the Articles and Conditions that the said Count *de Tallard* shall agree upon with the Commissioners that shall be named by our said Brother the King of *England*; and provided with a sufficient Power to promise in our Name, that we will ratify and approve all that shall have been agreed and stipulated for us by the said Count *de Tallard*, and in general in every thing above-mention'd, the Circumstances and Dependencies, to do, stipulate, demand, conclude, and sign, wholly, in such manner as we should or might do if we were there present in Person, altho the Case requir'd a more special Command than is contain'd in these said Presents. Given at *Versailles* the 19th of *August* 1698.

Signed *Lewis*, and on the Fold by Monsigneur the *Dauphin*, *Colbert*.

*His second
Power as
to Secret
Articles.*

LEWIS, *Dauphin of France*, the King's only Son, To all who shall see these Presents, greeting. We have, in pursuance of the Power and Permission which hath been given to us by our most honoured Lord and Father, this day caus'd to be dispatched to our dear and well-beloved the Count *de Tallard*, Lieutenant-General of his Armies, and of his Province of *Dauphiny*, and his Embassador Extraordinary in *England*, a Power to conclude and sign, with our most dear and most beloved Brother the King of *England*, a Treaty, the principal Object whereof is to be the Preservation of the Peace in *Europe*, if God should dispose of our most dear and most beloved Brother and Uncle the King of *Spain*. But whereas it may so happen by the Negotiation to be on this Matter, that it may be found necessary likewise to conclude some Secret and Separate Articles of the said Treaty, we have given anew to the said Count *de Tallard*, and by these Presents, signed with our Hand, do give him full Power, Commission, and special Command, to confer, treat, negotiate, conclude, and sign such Articles and Agreements, secret and separate, as shall be judg'd fitting; and to promise in our Name, that we will ratify and approve the said Articles sign'd by the said Count *de Tallard*, altogether so, and in the same manner as if they had been inserted word for word in the said Treaty, altho the Case requir'd more especial Order than is contain'd in these Presents.

Given at *Versailles* the 19th day of *August* 1698.

Signed *Lewis*, and on the Fold by Monsieur the *Dauphin*, *Colbert*.

The French King's Treaty made with the King of England, relating to the Settlement of the Succession of Spain on the Electoral Prince of Bavaria, on condition that Naples, Sicily, Guipuscoa, &c. be granted to the Dauphin, concluded Aug. 19. 1698.

LEWIS, by the Grace of God, King of *France and Navarre*, To all who shall see these Presents, Greeting. Having seen and examin'd the Treaty which our dear and well-belov'd the Count de Tallard, Lieutenant General of our Armies, and of our Province of *Dauphiny*, and our Embassador Extraordinary in *England*, by virtue of the full Power which We had given him for that purpose, hath concluded, made, and sign'd, in our Names, at the *Hague*, the 11th of *October* last, with *William de Benting* Earl of *Portland*, Knight of the Order of the Garter, Privy Counsellor to Our most dear and most beloved Brother the King of *Great Britain*, first Gentleman of his Bed-chamber, and General of his Horse; and Sir *Joseph Williamson* Knight, Privy Counsellor also to Our said Brother, and Keeper of the Papers of State; in like manner provided with full Powers from Our said Brother; of which Treaty the Tenor is as follows.

The First Treaty of Partition.

BE it known unto all who shall see these Presents, That the most Serene and most mighty Prince *Lewis XIV.* by the Grace of God, the most Christian King of *France and Navarre*; and the most Serene and most mighty Prince *William III.* likewise by the Grace of God, King of *Great Britain*; and the States General of the *United Provinces of the Netherlands*, desiring nothing more heartily than to strengthen by new Ingagements the good Intelligence re-establish'd between his most Christian Majesty, his Majesty of *Great Britain*, and the said States General, by the last Treaty concluded at *Reswick*; and to prevent, by Measures taken in time, the Events that might raise new Wars in *Europe*, have to that end given their full Powers for agreeing upon a new Treaty; to wit, his said most Christian Majesty to the Count de Tallard, Lieutenant General of his Armies, and of his Province of *Dauphiny*, and his Embassador Extraordinary in *England*; his said *Britannick* Majesty to *William de Benting* Earl of *Portland*, Knight of the Order of the Garter, Privy Counsellor to the King of *Great Britain*, his first Gentleman of his Bed-chamber, and General of his Horse; and to Sir *Joseph Williamson* Knight, likewise Privy Counsellor to the said King, and Keeper of the Papers of State: And the said States General to the *Sieurs Francis Verbolt* Senator and Burgomaster of the Town of *Nimeghen*, Post-Master General in the *Dutchy of Guelderland*, County of *Zutphen*, and other places; *Frederick* Baron de *Reede*, Lord of *Lier*; Sir *Anthony Terlee*, &c. Commander of *Buren*, and of the Order of the Nobility of *Holland and Westfrizeland*; *Anthony Heinsius* Counsellor, Pensionary, Keeper of the Great Seal, and Superintendent of the Fiefs of the same Province of *Holland and Westfrizeland*; *John Becker* antient Senator and Burgomaster of the Town of *Middleburgh*; *John Vander Does* Lord of *Bergestein*, of the Order of the Nobility of the Province of *Utrecht*; *William Vanbaren* formerly Grietman of the *Bilt*, Deputy from the Nobility to the States of *Frizeland*, and Curator of the University of *Franecker*; *Arnold Lemker* Burgomaster of the Town of *Deventer*; and *John de Drews*: All Deputies in the Assembly of the said States General, from the Provinces of *Guelderland*, *Holland and Westfrizeland*, *Zealand*, *Utrecht*, *Frizeland*, *Overyssel*, and *Groningen* and *Omland*: Who by virtue of the said Powers have agreed upon the Articles following.

I.

The Peace re-establish'd by the Treaty of *Reswick*, between the most Serene and most mighty Prince *Lewis* the Fourteenth, the most Christian King of *France and Navarre*; the most Serene and most mighty Prince *William* the Third, King of

Great Britain; and the States General of the United Provinces of the Netherlands, their Heirs and Successors, their Kingdoms, States and Subjects, shall be firm and lasting; and their Majesties and the said States General, shall reciprocally do every thing that may contribute to the Benefit and Advantage one of the other.

II.

Their Design the maintaining the Tranquillity of Europe.

As the chief Aim which his said most Christian Majesty, and his said Majesty of Great Britain, and the said States General, do propose to themselves, is the maintaining the general Tranquillity of Europe; they have not been able to see, without grief, how the King of Spain's state of Health is of late become so languishing, that there is all the reason in the World to fear that that Prince cannot have long to live. Now altho they are not able to turn their Thoughts towards that Event without affliction, because of the true and sincere Friendship they have for him; yet they have judg'd it to be so much the more necessary to look forwards upon the same, because his Catholick Majesty having no Issue, the Succession coming to fall, would infallibly occasion a new War, if the most Christian King should maintain his Pretensions, or those of the Dauphin, to the whole Succession of Spain; if the Emperor should likewise support his Pretensions, those of the King of the Romans, the Archduke his second Son, or his other Children; and the Elector of Bavaria, those of the Prince Electoral his eldest Son to the said Succession.

III.

And whereas the two Kings, and the States General desire, above all things, the preservation of the publick Quiet, and the avoiding a new War in Europe, by accommodating the Disputes and Differences that might arise on account of the said Succession, or by reason of the Umbrage from too many Dominions being united under one Prince, they have thought good to take beforehand the necessary measures for preventing the Calamities which the said Accident of the Death of the Catholick King without Issue might produce.

IV.

The Dauphin to have Naples, Sicily, &c.

Therefore it hath been stipulated and agreed, That the said Case happening, the most Christian King, as well in his own Name, as in that of the Dauphin, his Children, Male or Female, Heirs and Successors born, and to be born; as likewise the said Dauphin for himself, his Children, Male and Female, Heirs and Successors, born, and to be born, shall hold themselves satisfy'd, as they do by these Presents hold themselves satisfy'd, That the said Dauphin have for his Share in full propriety, plenary possession, and extinction of all his Pretensions to the Succession of Spain, to have and enjoy the same to him, his Heirs and Successors, born, and to be born, for ever, without being ever molested on any pretence whatsoever, of Rights or Claims, directly or indirectly, even by Cession, Appeal, Revolt or otherwise, on the part of the Emperor, the King of the Romans, the Archduke Charles his second Son, his other Children, Male or Female, and Descendants, his Heirs and Successors, born, and to be born; or in like manner on the part of the Elector of Bavaria, in the Name of the Prince Electoral of Bavaria his eldest Son, or of the Prince Electoral, their Issue, Descendants, Heirs and Successors, born, and to be born, the Kingdoms of Naples and Sicily, the Places at present depending on the Monarchy of Spain, situated on the Coast of Tuscany; or the adjacent Islands comprehended under the Name of *Sancto Stephano, Porto Hercole, Orbitello, Telamone, Portolongo, Piombino*, in the same manner likewise as the Spaniards do now hold them; the Town and Marquisate of *Final* in the same manner likewise as the Spaniards hold them; the Province of *Guipuscoa*, particularly the Towns of *Fontarabia* and *St. Sebastian* situated in that Province, and especially the Port of Passage which is therein compriz'd; with this Restriction only, That if there be any Places depending on the said Province which shall be found to lie beyond the Pyrenees, or the other Mountains of *Navarre, Alava* or *Biscay*, on the side of Spain, they shall remain to Spain; and in like manner if there be any Places depending on the Provinces subject to Spain, but lying on this side the Pyrenees, or other Mountains of *Navarre, Alava* or *Biscay*, on the side of the Province of *Guipuscoa*, they shall remain to France; and the Passages of the said Mountains, and the said Mountains that shall lie between the said Province of *Guipuscoa, Navarre, Alava* and *Biscay*, to whomsoever they belong, they shall be shar'd between France and Spain in such manner, as that there shall remain as much of the said Passages and Mountains to France on her side, as there shall remain to Spain on hers; the whole, with the Fortifications, warlike Ammunitions, Powder, Bullets, Cannon, Gallies, Gally-Slaves, which shall be found to appertain to the King of Spain at the time of his decease

without

without Issue, to be annex'd to the Kingdoms, Places, Islands and Provinces which are to compose the Share of the Dauphin: It being to be understood, that the Gallies, Gally-Slaves, and other Effects appertaining to the King of *Spain*, by the Kingdom of *Spain*, and other Dominions which fall to the Share of the Prince Electoral of *Bavaria*, shall remain to him; those which belong to the Kingdoms of *Naples* and *Sicily* being to go to the Dauphin, as above said. In consideration of which Kingdoms, Islands, Provinces and Places, the said most Christian King, as well in his own Name, as in that of the Dauphin, his Children, Male or Female, Heirs and Successors, born, and to be born; as likewise the said Dauphin, for himself, his Children, Male or Female, Heirs and Successors, born, and to be born (who has also given his full Power to that purpose to the Count *de Tallard*) do promise and ingage to renounce, at the time of the said Succession, as in case they do at this time by these Presents renounce all their Rights and Pretensions to the said Crown of *Spain*, and to the other Kingdoms, Islands, States, Countries and Places now depending thereon; and that they will cause solemn Acts of the whole Matter to be dispatch'd in the strongest and best Form that can be, which shall be deliver'd at the time of the Ratification of this Treaty.

V.

The Crown of *Spain*, and the other Kingdoms, Islands, States, Countries and Places, which at present depend thereon, shall be given and assign'd to the Prince, eldest Son to the Elector of *Bavaria* (except what has been declar'd in the foregoing Article to make up the share of the Dauphin) in full propriety and plenary possession for his Share, and in extinction of all his Pretensions to the said Succession of *Spain*, to enjoy the same to him, his Heirs and Successors, born, and to be born for ever, so as that he shall never be molested on any pretence whatsoever, of Rights or Claims, directly or indirectly, either by Cession, Appeal, Revolt or otherwise, on the part of the most Christian King, the said Dauphin, or his Issue Male or Female, and Descendants, his Heirs and Successors, born, and to be born; nor on the part of the Emperor, the King of the *Romans*, the Archduke *Charles* his second Son, his other Children, Male or Female, and Descendants, his Heirs and Successors, born, and to be born. In consideration of which Crown of *Spain*, and the other Kingdoms, Islands, States, Countries, and Places depending thereon, the Elector of *Bavaria*, as well in the quality of Father, and lawful Tutor, and Administrator to the Electoral Prince his eldest Son, as in the Name of the said Electoral Prince, and in that of their Children, Heirs and Successors, born, and to be born; as likewise the said Electoral Prince of *Bavaria*, as soon as he shall come of Age, for his own Self, his Children, Heirs and Successors, born, and to be born, shall hold themselves satisfy'd, that the said Electoral Prince have for his Share the Cession made above in this Article: And the said Elector of *Bavaria*, as well in the quality of Father, and lawful Tutor, and Administrator to the Electoral Prince his eldest Son, as well as in the Name of the said Prince, and in that of his Children, Heirs and Successors, born and to be born, shall renounce, at the time of the death of his Catholick Majesty, and the said Electoral Prince as soon as he shall come of Age, all Rights and Pretensions to the Portion assign'd to the Dauphin, and to that which is to be assign'd to the Archduke *Charles* by the following Articles: And they shall cause solemn Acts of the whole Matter to be dispatch'd, in the strongest and best Form that can be; to wit, the Elector of *Bavaria*, in the quality above said, at the time of the decease of his Catholick Majesty without Issue, and the said Electoral Prince as soon as he shall come to Age.

VI.

The Dutchy of *Milan* shall always be excepted out of the said Cessions and Assignations, which the two Kings and the States General have agreed shall be given to the Archduke *Charles* of *Austria*, second Son to the most Serene and most mighty Prince *Leopold*, elected Emperor of the *Romans*, for his Share, and in extinction of all the Pretensions and Rights which the said Emperor, the King of the *Romans*, the Archduke *Charles* his second Son, all his other Children, Male or Female, and Descendants, his Successors and Heirs, born and to be born, might have to the said Succession of *Spain*; which said Archduke shall have in full propriety and plenary possession the said Dutchy of *Milan*, to him, his Heirs and Successors, born and to be born, to enjoy the same likewise for ever, without being at any time molested on any pretence whatsoever, of Rights or Claims, directly or indirectly, on the part of the most Christian King, the said Dauphin, or the Princes his Children and Descendants, his Heirs and Successors, born and to be born; or in like manner

manner on the part of the Elector of *Bavaria*, in the name of the Electoral Prince his eldest Son, or of the said Electoral Prince, their Children, Descendants, Heirs and Successors, born and to be born.

VII.

Emperor,
&c. to re-
nounce all
Pretensions
to Spain.

In consideration of which Dutchy of *Milan*, the Emperor also as well in his own name, as in that of the King of the *Romans*, the Archduke *Charles* his second Son, his Children, Male or Female, their Children, Heirs and Successors, born and to be born; as likewise the King of the *Romans*, and the Archduke *Charles*, as soon as he shall come of Age for himself, their Children, Heirs and Successors, born and to be born, shall hold themselves satisfy'd, that the Archduke *Charles* have, in extinction of all their Pretensions to the Succession of *Spain*, the Cession of the Dutchy of *Milan* made as above; and the said Emperor, as well in his own Name, as in that of the King of the *Romans*, the Archduke *Charles* his second Son, his Children, Male or Female, and theirs, their Heirs and Successors; as likewise the said King of the *Romans* in his own Name, shall renounce at the time of the decease of his Catholick Majesty, and the Archduke *Charles* as soon as he shall come of Age, all other Rights and Pretensions to the said Crown of *Spain*, and to the other Kingdoms, Islands, States, Countries, and Places depending thereon, which compose the Shares and Portions above-assign'd to the Dauphin, and the Electoral Prince of *Bavaria*: And they shall cause solemn Acts of this whole Matter to be dispatch'd in the strongest and best form that can be; to wit, the Emperor and the King of the *Romans* at the time of the decease of his Catholick Majesty without Issue, and the Archduke *Charles* as soon as he shall come of Age.

VIII.

This present Treaty shall be communicated to the Emperor and the Elector of *Bavaria* by the King of *Great Britain*, and the States General, immediately after the signing and exchange of the Ratifications; and his Imperial Majesty, the King of the *Romans*, and the said Elector, shall be invited to approve thereof at the time of the decease of his Catholick Majesty without Issue; and the Archduke *Charles*, as likewise the Electoral Prince of *Bavaria*, as soon as they shall come of Age.

IX.

Two Kings
and States
shall hinder
the Refusers
from taking
possession of
the Whole.

But if the Emperor, the King of the *Romans*, or the Elector of *Bavaria*, refuse to enter therein, the two Kings, and the States General, shall hinder the Prince, Son, or Brother of him that refuses from entering into possession of that which shall be assign'd him, and his Portion shall remain as it were in Sequestration in the hands of the Viceroys, Governors and other Regents who govern on the part of the King of *Spain*, who shall not dispossess themselves thereof but with the Consent of the two Kings and the States General, till such time as he shall have agreed to the said Partition, and this Treaty; and in case that notwithstanding he should endeavour to take possession of his Portion, or of that which shall be assign'd to others, the said two Kings, and the States General, as likewise those that shall be contented with their Share by virtue of this Agreement, shall hinder him with all their might.

X.

The States,
&c. shall
use all
means to
put into pos-
session the
several
Parties.

The King of *Spain* coming to die without Issue, and the abovesaid Case by that means happening, the two Kings, and the States General, do oblige themselves to leave the whole Succession in the Condition it shall then be, without seizing thereof in the whole or in part, directly or indirectly, but each Prince shall and may forthwith put himself in possession of what is assign'd him for his Share, as soon as he shall on his part have comply'd with the 5th, 6th, 7th and 9th Articles preceding; and if there be any difficulty therein, the two Kings, and the States General, shall use all possible Endeavours, to the end that each one may be put into possession of his Portion according to this Agreement; and that the same may have its full effect, engaging to give, by Sea and Land, the Succours and Aids of Men and Ships as are necessary to compel by Force those that shall oppose the Execution thereof.

XI.

If the said Kings, and the States General, or any of them are attack'd, by whomsoever it may be, on account of this Agreement, or the executing thereof, they shall mutually assist each other with all their Power, and they shall make themselves Guarantees of the punctual execution of the said Agreement, and the Renunciations made pursuant thereto.

XII.

All Kings, Princes and States, shall be admitted into the present Treaty that desire to enter therein; and the said two Kings and the States General, and each of them in particular, shall be permitted to request and invite all whom they shall think fit to request and invite, who shall in like manner be Guarantees of the execution of this Treaty, and of the Validity of the Renunciations therein contain'd.

All Kings, &c. desiring it, shall be admitted.

XIII.

And for the further securing of the Quiet of Europe, the said Kings, Princes and States, shall not only be Guarantees of the said Execution of the present Treaty, and of the Validity of the said Renunciations as above-mention'd, but if any one of the Princes, in favour of whom the said Partition is made, should hereafter endeavour to disturb the Order settled by this Treaty, make new Attempts contrary thereto, and so aggrandize himself to the detriment of the others, under any Pretext whatsoever, the same Guaranty of the Treaty shall be judg'd to extend even to that Case, in such manner as the Kings, Princes, and States, who undertake the same, shall be oblig'd to imploy their Forces in opposing the said Attempts, and maintaining all things in the Condition agreed on by the said Articles.

The Kings, &c. to be Guarantees of the said Treaty.

XIV.

If any Prince whatsoever oppose the taking possession of the Shares agreed on, the said two Kings, and the States General, shall be oblig'd to assist one another against such Opposition, and to hinder the same with all their Power; and it shall be agreed immediately after the signing of this present Treaty, in what Proportion each is to contribute, as well by Sea as by Land.

XV.

The present Treaty shall be ratify'd and approv'd by the said two Kings, and the States General; and the Letters of Ratification shall be exchange'd within the space of three weeks, or sooner if possible, to be computed from the day of the Signing. In witness whereof we have sign'd these Presents, and seal'd the same with our Coats of Arms, made at the Hague the eleventh day of October 1698. Sign'd Camille de Hostrang, Count de Tallard; Portland; William Francis Verbolt, F. B. de Reede, A. Heinsius, John Becker, J. Vander Does, W. Vanharen, Ar. Lemker, and J. de Drewes.

WE well liking the abovesaid Treaty, in all and every the Points and Articles therein contain'd and declar'd, have accepted, approv'd, ratify'd and confirm'd, and by these Presents do accept, approve, ratify and confirm the same, promising on the Faith and Word of a King, to perform, observe, and cause to be observ'd, sincerely, and bona fide, without acting, or suffering any thing to be acted to the contrary, directly or indirectly, for any Cause or any Occasion whatsoever. In witness whereof we have sign'd these Presents with our Hand, and caused our Privy Seal to be affix'd thereunto.

Fr. King's Ratification of the foresaid Treaty.

Given at Fountainbleau the 24th of October, in the Year of our Lord 1698. and of our Reign the 36th.

LEWIS,

(L S)

By the King, Colbert.

The French King's Ratification of a Secret Article relating to the Elector of Bavaria.

LEWIS by the Grace of God, King of France and Navarre, To all who shall see these Presents, Greeting. Whereas our dear and well-belov'd the Count de Tallard, Lieutenant General of our Armies, and of our Province of Dauphiny, and our Embassador Extraordinary in England, hath, by virtue of the full Power We have given him for that purpose, concluded, made, and sign'd at the Hague,

the

the 11th of *October* last, with *William Benting* Earl of *Portland*, Knight of the Order of the Garter, Privy Counsellor to Our most dear and most beloved Brother the King of *Great Britain*, first Gentleman of his Bed-chamber, and General of his Horse; and Sir *Joseph Williamson* Knight, likewise Privy Counsellor to Our said Brother, and Keeper of the Papers of State, in like manner provided with full Powers from our said Brother, a Secret Article of the Treaty concluded the same day with our said Brother; the Tenor whereof is as follows.

WHEREAS the most Christian King, the King of *Great Britain*, and the States General of the *United Provinces* of the *Netherlands*, have agreed by the Treaty this day sign'd, concerning the Partition that is to be made of the Succession of the King of *Spain*, to prevent by that means the Calamities which the Death of that Prince, if he should die without Issue, might produce in *Europe*; and whereas the greatest Share of the said Succession hath been assign'd to the Electoral Prince of *Bavaria*, without having determin'd to whom the same should descend after him if he should in like manner happen to die without Issue: His most Christian Majesty, his *Britannick* Majesty, and the States General, for the further avoiding the Disputes and Wars which such a Case might produce, have made a new Agreement by this secret Article, which shall have the same Force as the Treaty above-mention'd whereto it relates.

E. of B. Tutor, Sec. of his Son while under Age.

First, If the King of *Spain* happens to die without Issue, and consequently that the Kingdoms of *Spain*, the *Indies*, Islands, and other Countries and States which are assign'd to the Electoral Prince of *Bavaria*, do fall under his Power, the present Elector of *Bavaria* shall be Tutor and Curator to the Prince his Son during his Minority, all which time he shall have the Charge of the Government, and the Administration of all the Kingdoms, Islands, States, Countries and Places which have been assign'd to the Prince his Son by the said Treaty.

To enjoy the Part assign'd his Son if he die without Issue.

Secondly, If the said Prince should happen to die without Issue, his Electoral Highness of *Bavaria*, his Father, shall succeed him in all the Kingdoms, Islands, States, Countries and Places which have been assign'd to him for his Share; and he shall enjoy the same in full propriety, and plenary possession to him and his Children, Males and Females, Descendants, Successors and Heirs, born and to be born, so as that neither the Emperor, the Dauphin, their Children Male or Female, Descendants, Successors and Heirs, nor any other, shall or may under any pretext form the least Pretension to that Succession; his most Christian Majesty, his *Britannick* Majesty, and the States General, ingaging themselves anew to imploy all their Power, by Land and by Sea, for maintaining the Order establish'd by this Article relating to the Succession to the Monarchy of *Spain*, whereto they have unanimously agreed, in expectation of procuring by this Precaution the Continuance of the general Tranquillity which hath lately been establish'd in *Europe*.

All Kings, Princes and States, that shall be willing to enter into this present Treaty, shall be admitted therein when it shall be made publick, upon the Death of the Prince Electoral, in case that happens, without Issue; and the two said Kings, and the States General, and each of them in particular, shall be permitted to request and invite all those whom they shall think fit to request and invite, who shall in like manner be Guarantees of that which is contain'd in this present secret Article. In Witness whereof, We who have sign'd the Treaty whereto this present Article relates, have also sign'd the said Article, and seal'd it with our Coats of Arms, made at the *Hague* the 11th of *October* 1698. Sign'd *Tallard*, *Portland*, and *Williamson*.

Fr. King's Power to C. Tallard to make secret Articles.

LEWIS, by the Grace of God, King of *France* and *Navarre*, To all who shall see these Presents, Greeting. The Desire of maintaining the Tranquillity of *Europe*, join'd with the Esteem and Friendship we have for our most dear and most beloved Brother the King of *Great Britain*, having induc'd us to form stricter Ingagements than before with our said Brother, and to take with him the necessary Measures for preventing the Events which might occasion new Wars; we make it known, that we reposing intire Confidence in the Experience, Capacity, and Fidelity of our dear and well-belov'd Count de *Tallard*, Lieutenant General of our Armies, and in our Province of *Dauphiny*, and our Ambassador Extraordinary in *England*, have constituted, appointed and deputed, and by these Presents do constitute, appoint and depute him to make, conclude and sign, in our Name, with our said Brother the King of *England*, or with the Commissioners which shall be

nam'd

nam'd by him, provided with full Powers on his part, such Treaties, Articles and Agreements, as the said Count *de Tallard* shall see good, with the same Liberty and full Power as we should or might do if we were there present in Person, altho there should be some Matter that requir'd a more special Order than is contain'd in these Presents : Promising on the Faith and Word of a King, to perform and execute punctually, to approve and hold firm and stedfast for ever, all that the said Count *de Tallard* shall have promis'd and sign'd in our Name by virtue of the present Power, without ever acting, or suffering any thing to be acted, contrary thereto, for what Cause or under what Pretext soever it may be ; as likewise to dispatch the Ratification thereof in good form within the time that shall have been agreed upon. In Witness whereof we have sign'd these Presents with our Hand, and have caus'd our Privy Seal to be affix'd thereunto.

Given at *Versailles* the 19th day of *August*, in the year of our Lord 1698. and of our Reign the 56th. Sign'd *Lewis*, and on the Fold by the King, *Colbert*.

WE well liking the said secret Article, with all its Contents, have accepted, ^{His Ratifi-} approv'd, ratify'd and confirm'd, and by these Presents do accept, ap- ^{cation of} prove, ratify and confirm the same ; promising, on the Faith and Word of a King, ^{the secret} to perform, observe, and cause it to be observ'd, sincerely and faithfully, without ^{Article.} doing or suffering any thing to be done to the contrary, directly or indirectly, for any Cause, or on any Occasion whatsoever. In Witness whereof we have sign'd these Presents with our Hand, and have caus'd our Privy Seal to be affix'd thereunto.

Given at *Fontainebleau* the 24th day of *October*, in the Year of our Lord 1698. and of our Reign the 56th.

LEWIS,

(L S)

By the King, *Colbert*.

The Ratification of the Secret Article concerning the Dutchy of Milan.

LEWIS, by the Grace of God, King of *France* and *Navarre*, To all who shall see these present Letters, Greeting. Whereas our dear and well-belov'd the Count *de Tallard*, Lieutenant General of our Armies, and of our Province of *Dauphiny*, and our Embassador Extraordinary in *England*, has, by virtue of the full Power which we had granted him, concluded, made, and sign'd at the *Hague* the 11th of *October* last, with *William Benting* Earl of *Portland*, Knight of the Order of the Garter, one of the Privy Council of our most dear and most beloved Brother the King of *Great Britain*, first Gentleman of his Bed-chamber, and General of his Horse ; and *Sir Joseph Williamson* Knight, likewise one of the Privy Council of our said Brother, and Keeper of the Papers of State, having likewise full Power from our said Brother, a separate and secret Article of the Treaty concluded the same day with our said Brother ; the Tenor whereof follows.

THE two Kings, and the States General, have likewise agreed, That in case the ^{The secret} Dutchy of *Milan* should come to be sequestred, by virtue of the Clause men- ^{Article con-} tion'd in the ninth Article of the Treaty concluded this day, into the hands ^{cerning} of the Prince of *Vaudemont*, at present Governor thereof, that upon his decease, ^{Milan.} whenever it shall happen, the said Sequestration, and consequently the Govern- ment of the said Dutchy, shall be administer'd by Prince *Charles* of *Vaudemont* his Son.

This secret Article shall be of the same force as if it was insert'd in the Treaty made this day, to which it relates. In Witness whereof, We who have sign'd the said Treaty, have sign'd the present Article, and have caus'd our Seals to be put thereunto. Done at the *Hague* the 11th of *October* 1698. Sign'd *Tallard*, *Portland*, and *Williamson*, with their Seals.

The Fr. K's
Power to
C. Tallard,
relating to
it.

LEWIS, by the Grace of God, King of *France* and *Navarre*, To all who shall see these present Letters, Greeting. The Desire of maintaining the Tranquillity of *Europe*, join'd with our Esteem and Friendship for our most dear and most beloved Brother the King of *Great Britain*, having induc'd us to enter into more strict Engagements with our said Brother, and to take jointly with him the necessary Measures for preventing the Events which might excite new Wars; Know ye that We confiding entirely in the Experience, Capacity and Fidelity of our dear and well-belov'd the Count *de Tallard*, Lieutenant General of our Armies, and of our Province of *Dauphiny*, and our Ambassador Extraordinary in *England*, have appointed, ordain'd, and deputed, and by these Presents do appoint, ordain, and depute him to make, conclude, and sign in our Name, with our said Brother the King of *England*, or the Commissioners who shall be nam'd by him, having full Powers from him, such Treaties, Articles, and Conventions as the said Count *de Tallard* shall think good, with the same Liberty and full Power as we should or might do if we were there present in Person, notwithstanding there should be matter which might require a more special Command than is contain'd in these Presents: Promising in the Faith and Word of a King, to fulfil and execute punctually, to approve and hold firm and stedfast for ever, whatsoever the said Count *de Tallard* shall have promis'd and sign'd in our Name, by virtue of the present Power, without acting, or suffering to be acted to the contrary, for any Cause, or under any Pretence whatsoever: as also to finish the Ratification thereof in good Form within the time that shall have been agreed. In Witness whereof we have signed these Presents with our Hand, and have caus'd our private Seal to be affix'd thereunto.

Given at *Versailles* the 19th day of *August*, in the Year of our Lord 1698. and of our Reign the 36th. Signed *Lewis*, and on the Fold by the King, *Colbert*.

His Ratifi-
cation of it.

WE liking well the abovesaid separate and secret Article, and all its Contents, have accepted, approv'd, ratify'd and confirm'd, and by these Presents do accept, approve, ratify and confirm the same; promising, in the Faith and Word of a King, to fulfil, observe, and cause to be observ'd, sincerely, and *bona fide*, without acting, or suffering to be acted, directly or indirectly, to the contrary, for any Cause or Occasion whatsoever. In witness whereof we have sign'd these Presents with our Hand, and caus'd our Private Seal to be affix'd thereunto.

Given at *Fontainbleau* the 24th day of *October*, in the Year of our Lord 1698. and of our Reign the 36th.

LEWIS.

(L S)

By the King, *Colbert*.

The French King's Ratification of the Separate Article Explanatory of the Treaty.

LEWIS, by the Grace of God, King of *France* and *Navarre*, To all who shall see these present Letters, Greeting. Whereas our dear and well-belov'd the Count *de Tallard*, Lieutenant General of our Armies, and of our Province of *Dauphiny*, Our Ambassador Extraordinary in *England*, has, by virtue of the full Power which we had granted him, concluded, made, and sign'd at the *Hague* the 11th day of *October* last, with *William Bentinck* Earl of *Portland*, Knight of the Order of the Garter, one of the Privy Council of our most dear and most beloved Brother the King of *Great Britain*, first Gentleman of his Bed-chamber, and General of his Horse; and Sir *Joseph Williamson* Kt. likewise one of the Privy Council of our said Brother, and Keeper of the Papers of State, having like full Powers from our said Brother; and with *Francis Verbolst* Senator and Burgomaster of the City of *Nimeguen*, Postmaster General in the Dutchy of *Guelderland*, the County of *Zutphen*, and other places; *Frederick* Baron of *Reede*, Lord of *Lier*; *St Anthony Per Lee*, &c. Commander of *Buren*, of the Order of the Nobility of *Holland* and *Westfriesland*;

Anthony

Anthony Heinsius Counsellor, Pensionary, Keeper of the Great Seal, and Superintendant of the Fiefs of the same Province of *Holland and Westfriesland*; *John Beeker* antient Senator and Burgomaster of the City of *Middleburg*; *John Van der Does*, Lord of *Bergsteine*, of the Order of the Nobility of the Province of *Unrecht*; *William Van Haren* late Grietman of the *Bilt*, Deputy from the Nobility in the States of *Friezland*, and Curator of the University of *Franecker*; *Arnold Lemker* Burgomaster of the City of *Daventer*, and *John De Drewes*, all Deputies in the Assembly of our most dear and great Friends the States General of the United Provinces of the Low Countries, from the Provinces of *Guelderland*, *Holland and Westfriesland*, *Zeland*, *Unrecht*, *Friezland*, *Overyssel*, *Groningen* and *Omeland*, having like full Powers from the said States General of the United Provinces of the Low Countryes; a Separate Article of the Treaty concluded the same day with our said Brother and the States General; the Tenor whereof follows.

IN Explanation of the 5th, 7th, and 10th Articles of the Treaty concluded this *Explanation* day at the *Hague*, it is agreed, That notwithstanding the Arch-Duke *Charles* be *ry Article* not to give his Act of Renunciation before he is of Age, provided the Emperor, of the said and the King of the *Romans* have given theirs, the said Arch Duke may enter into *Treaty* possession of his Share, at the time of the decease of his Catholick Majesty without Issue, tho he be not of Age; it being well understood that the said Arch-Duke shall still be oblig'd to give his Act of Renunciation when he shall be of Age. And in like manner it is agreed, That tho the Electoral Prince of *Bavaria* be under Age, provided the Elector of *Bavaria* his Father, in the quality of Father, and lawful Guardian and Administrator of the said Prince, has given his, the said Electoral Prince of *Bavaria* may enter in possession of his Share, at the time of the decease of his Catholick Majesty without Issue, tho under Age; it being well understood, that the said Electoral Prince of *Bavaria* shall still be oblig'd to give his Act of Renunciation as soon as he shall be of Age.

In Witness whereof we that have sign'd the Treaty, have also sign'd the present Article, and put our Seals thereunto.

Done at the *Hague* the 11th of *October*, 1698. Signed *Tallard*, *Portland*, *J. Williamson*, *Francis Verbolt*, *E. B. De Reede*, *A. Heinsius*, *John Beeker*, *J. Vander Does*, *G. Van Haren*, *Ar. Lemker*, and *J. de Drewes*.

LEWIS, by the Grace of God, King of *France and Navarre*, To all who these present Letters shall see, Greeting. The desire of maintaining the Tranquillity of *Europe*, join'd with our Esteem and Friendship for our most dear and most beloved Brother the King of *Great Britain*, having induc'd us to enter into stricter Engagements with our said Brother, and to take jointly with him the necessary Means for preventing the Events which might excite new Wars: Know ye that we confiding intirely in the Experience, Capacity and Fidelity of our dear and well-beloved the Count *de Tallard*, Lieutenant General of our Armies, and in our Province of *Dauphiny*, and our Embassador Extraordinary in *England*, have appointed, ordain'd, and deputed, and by these Presents do appoint, ordain, and depute him to make, conclude, and sign, in our Name, with our said Brother the King of *England*, or with the Commissioners who shall be nam'd by him, being likewise provided with full Powers from him, such Treaties, Articles and Conventions as the said Count *Tallard* shall think good, with the same Liberty and full Power as we should or might do, if we were there personally present, notwithstanding there should be Matter which might require a more special Command than is contain'd in these Presents; promising, in the Faith and Word of a King, to fulfil and execute punctually, to approve and hold firm and stedfast for ever, whatsoever the said Count *de Tallard* shall have promis'd and sign'd in our Name, by virtue of the present Power, without ever acting, or suffering to be acted to the contrary, for any Cause, or under any Pretence whatsoever; as also to finish the Ratification thereof in good Form within the time that shall have been agreed.

Fr. King's
Power to
C. Tallard
to make it.

In Witness whereof we have sign'd these Presents with our Hand, and have caus'd our private Seal to be affix'd thereunto.

Given at *Versailles* the 19th day of *August*, in the Year of our Lord 1698, and of our Reign the 56th. Signed *Lewis*, and on the Fold by the King, *Colbert*.

His Ratification of it.

WE liking well the said Separate Article, and all its Contents, have accepted, approv'd, ratify'd and confirm'd, and by these Presents do accept, approve, ratify and confirm the same, promising, in the Faith and Word of a King, to fulfil and observe it sincerely, and *bona fide*, without acting, or suffering to be acted to the contrary, directly or indirectly, for any Cause or Occasion whatsoever.

In Witness whereof we have sign'd these Presents with our Hand, and caus'd our private Seal to be affix'd therunto.

Given at *Fountainbleau* the 25th day of *October*, in the Year of our Lord 1698; and of our Reign the 56th.

LEWIS, (L S)

By the King, *Colbert*.

The Treaty betwixt the Most Christian King, the King of Great Britain, and the States General of the United Provinces, for settling the Succession of the Crown of Spain, &c. in case his Catholick Majesty die without Issue.

The second Treaty of Partition.

BE it known unto all who shall see these Presents, That the most Serene and most Potent Prince *Lewis* the Fourteenth, by the Grace of God most Christian King of *France* and *Navarre*, &c. and the most Serene and most Potent Prince *William* the Third, also by the Grace of God King of *Great Britain*, &c. and the Lords States General of the United Provinces of the Low-Countries, having nothing more in design than to confirm by new Obligations that good Intelligence re-establish'd between his most Christian Majesty, his Majesty of *Great Britain*, and the said Lords States General of the United Provinces, by the last Treaty concluded at *Reswick*; and to prevent, by taking timely Measures, those Events which may raise new Wars in *Europe*; Have to this end given their full Powers to conclude a new Treaty: that is to say, his most Christian Majesty to the *Sieur Camille d'Hortung*, Count de *Tallard*, Lieutenant General of the King's Armies, and of his Province of *Dauphiny*, Ambassador Extraordinary of *France* in *England*; and to the *Sieur Gabriel* Count de *Briord*, Marquis de *Senezan*, one of his Majesty's Privy Council, and his Ambassador Extraordinary to the States General of the United Provinces of the Low Countries: His said Britannick Majesty to the *Sieur William* Earl of *Portland*, Viscount of *Cirencester*, Baron of *Woodstock*, Knight of the Garter, and Privy Counsellor to the King; and to the *Sieur Edward* Earl of *Jersey*, Viscount *Villars*, Baron of *How*, Knight Marshal of *England*, first Secretary of State, and Privy Counsellor to the King; and the said States General to the Lords *John van Erfen*, Burgomaster and Senator of the Town of *Zutphen*, Curator of the University of *Hardevrmyeck*; *Frederick* Baron *Rheede*, Lord de *Lier*; *St. Anthony Per Lee*, of the Order of the Nobility of *Holland* and *Westfrizeland*; *Anthony Heinsius*, Counsellor, Pensionary, Keeper of the Great Seal, and Superintendent of the Fiefs of the same Province; *William* of *Nassau*, Lord d' *Odyke Cortigene*, first Noble and Representative of the Nobility in the Assembly of the States and of the Deputies, Counsellor of *Zealand*; *Everhard de Weede*, Lord of *Weede*, *Dickvelt*, *Ratteles*, Lord of the Mannor of the Town of *Oudewater*, Dean and Member of the Imperial Chapter of *St. Mary* of *Utrecht*, *Dickgrave* of the River *Rhine* in the Province of *Utrecht*, and President of the States of the same Province; *William Van Haven*, *Grietman du Bild*, Deputy of the Nobility of the States of *Friezland*, Procurator of the University of *Franecker*; *Arnold Lemske*, Burgomaster of *Deventer*; and *John Van Heek*, Senator of the Town of *Groningen*; all Deputies of the said Lords States General on behalf of *Guelderland*, *Holland* and *Westfrizeland*, of *Zealand*, of *Utrecht*, of *Friezland*, of *Overyssel*, and of *Groningen* and *Omeland*: who by virtue of the said Powers have agreed to the following Articles.

Article

Article I.

The Peace re-establish'd by the Treaty of *Reswick*, between his most Christian Majesty, his Britannick Majesty, and the Lords States General of the United Provinces of the Low Countries, their Heirs and Successors, their Kingdoms, States, and Subjects, shall be firm and constant; and their Majesties, and the said Lords States General of the United Provinces of the Low Countries, shall reciprocally do what they can to contribute to the Advantage and Profit one of the other.

II.

As the principal Object which his said most Christian Majesty, his said Majesty of Great Britain, and the said States General propose to themselves, is that of maintaining the general Tranquillity of Europe; they could not without sorrow understand that the state of the King of Spain's Health hath for some time been so languishing, that the Life of the said Prince is much fear'd: Tho they cannot think upon this Event without trouble, because of the sincere and true Love they have for him; they have nevertheless thought it the more necessary to consider it, because his Catholick Majesty having no Children, the business of the Succession will infallibly raise a new War, if the most Christian King should maintain his own Pretensions, those of Monseigneur the Dauphin, or of his Successors, to the whole Succession of Spain; and if the Emperor should also make good his Pretensions, those of the King of the Romans, of the Arch-Duke his second Son, or of his other Children, Males or Females, unto the said Succession.

The general End of this 2d Treaty.

III.

And as the two Kings, and the Lords the States General, desire above all things the Conservation of the publick Peace, and to prevent a new War in Europe, by accommodating the Disputes and Differences which might arise upon the Subject of the said Succession, or by the Umbrage of three Estates re-united under one and the same Prince, they have thought good to take before-hand necessary Measures to prevent the Evils which the sorrowful Event of the Catholick King's Death without Children might produce.

IV.

Therefore it is agreed that if it should so happen, the most Christian King, as well in his own Name, as in that of Monseigneur the Dauphin, his Male Children, Heirs or Successors, born or to be born; as also Monseigneur the Dauphin for himself, his Male Children, &c. shall hold himself satisfied, and do hold themselves satisfied by these Presents, That Monseigneur the Dauphin shall have for his Share in full Property and Possession, and in lieu of all his Pretensions to the Succession of Spain, to be enjoy'd by him, his Heirs, Successors, Descendants, Males, or, &c. for ever, without ever being molested under any Pretence whatsoever in his Rights or Pretensions, directly or indirectly, either by Cession, Appeal, Revolt, or otherways, by the Emperor, the King of the Romans, the most Serene Arch-Duke Charles his second Son, the Arch-Dutchess, his other Issue Male, or, &c. the Kingdoms of Naples and of Sicily in the same manner the Spaniards possess them at present, the Places depending upon the Monarchy of Spain, situated on the Coast of Tuscany, or the Isles adjacent, being therein comprehended, under the Name of *Santo Stephano*, *Porto Hercole*, *Orbitello*, *Palamone*, *Portolongo*, *Piombino*: In that same manner also as the Spaniards possess them at present, the City and Marquisat of *Final*; in that same manner also as they possess them, the Province of *Guipuscoa*, and particularly the Cities of *Fontarabia* and *St. Sebastian* situated in that Province, and especially the Port of *Passage* which is therein comprehended; with this Restriction only, that if there be any Places depending upon the said Province which shall be found situate beyond the Pyrenees, or the other Mountains of *Navarre*, *Alava*, or *Biscay*, on the side of Spain, they shall remain to Spain; and if there be any Places in like manner depending upon the Provinces subjected to Spain, which are on this side the Pyrenees, or other Mountains betwixt the said Province of *Guipuscoa*, *Navarre*, *Alava*, and *Biscay*, let them belong to whom they will, they shall be divided between France and Spain, in such sort as there shall remain as much of the said Mountains and Passes to France on her side, as shall remain to Spain on hers; the whole with the Fortifications, Ammunition of War, Poudre, Ball, Cannon, Gallies, Gallyslaves, which shall be found belonging to the King of Spain at the time of his Decease without Issue, and to be annex to the Kingdoms, Places, Islands and Provinces which are to compose the share of Monseigneur the Dauphin, provided that the Gallies, the Gallyslaves, and the Effects belonging to the King of Spain for the Kingdom of Spain, and other Dominions which fall to the

The Dauphin shall have Naples, Sicily, &c.

share

share of the most Serene Arch-Duke, shall remain to him; those which belong to the Kingdoms of *Naples* and *Sicily* being to return to Monseigneur the Dauphin, so as abovesaid.

As also the
Dutchies of
Lorain,
&c.

D. of Lorain
to have: Mi-
lan in lieu
thereof.

Further, the Dominions of the Duke of *Lorain*, that is to say, the Dutchies of *Lorain* and *Bar*, so as *Charles IV.* of that Name possess'd them, and as they were restor'd by the Treaty of *Reswick*, shall be yielded and transferred to Monseigneur the Dauphin, his Heirs and Successors Males, or, &c. in Property and full Possession, in lieu of the Dutchy of *Milan*, which shall be quitted and exchanged to the said Duke of *Lorain*, his Male Children, or, &c. in all Property and full Possession, who will not refuse so advantageous a Bargain, it being understood that the County of *Bitch* belongs to Monsieur the Prince of *Vaudemont*, who shall enter into Possession of the Lands which he heretofore enjoy'd, which have been, or ought to have been restor'd according to the Treaty of *Reswick*; on the account of which said Kingdoms, Islands, Provinces and Places, the said most Christian King, as well in his own as in the Name of Monseigneur the Dauphin, his Male Children, or, &c. who hath also given his full Power to the Count de *Tallard*, and to the Count de *Briord*, promising and engaging themselves to renounce at the opening of the said Succession of *Spain*, as in this case they have at this time renounc'd by these Presents, all their Rights and Pretensions to the said Crown of *Spain*, and to all the other Kingdoms, Islands, States, Lands, and Places, which at this time depend thereupon, except what is above excepted for his part: All which they shall confirm by solemn Acts in the most authentick and best Form as may be; which shall be deliver'd at the time of the Exchange of the Ratification of this present Treaty to the King of *Great Britain*, and the States General.

V.

All the Towns, Places and Ports situate in the Kingdoms and Provinces which are to compose the Share of Monseigneur the Dauphin, shall be preserv'd without being demolish'd.

VI.

Spain, &c.
given to the
Arch-Duke
Charles.

The said Crown of *Spain*, and the other Kingdoms, Islands, States, Lands and Places, which the Catholick King at this time possesses, as well within as without *Europe*, shall be given to the most Serene Arch-Duke *Charles*, Second Son to the Emperor, except what hath been given in the 4th Article for the Share of the Dauphin, and of the Dutchy of *Milan*, according to the said 4th Article, in full Property and Possession as his Part, excluding all his other Pretensions to the said Succession of *Spain*; to enjoy the same for himself and Successors born, or to be born for ever, without being ever molested under any Pretext whatsoever of Rights or Pretensions, directly or indirectly, by Cession, Appeal, Revolt, or otherwise, on the part of the Most Christian King, or Monseigneur the Dauphin, or his Children Male, or, &c. For which said Crown of *Spain*, and other Kingdoms, Islands and Places thereupon depending, the Emperor, as well in his own Name, as in that of the King of the *Romans*, and the Arch-Duke *Charles* his Second Son, the Arch-Dutcheßes his Daughters, his Children Males, or, &c. as also the King of the *Romans* for himself, and the most Serene Arch-Duke *Charles*, as soon as he shall be of Age, for himself, their Children, &c. shall be satisfy'd that the most Serene Arch-Duke *Charles* shall have in lieu of all their Pretensions upon the Crown of *Spain*, the said Cession above-said; and the said Emperor, as well in his own Name, as in that of the King of the *Romans*, the most Serene Arch-Duke *Charles* his Second Son, the Arch-Dutcheßes his Daughters, his Children Males, or, &c. or their Issue: As also the said King of the *Romans*, in his own Name, shall renounce, when they shall enter into and ratify this present Treaty; and the most Serene Arch-Duke *Charles*, as soon as he shall be of Age, all other Rights and Pretensions to the said Kingdoms, Islands, States, Lands and Places which compose the Share or Portion assign'd to Mons. the Dauphin, and of him who shall have the Dutchy of *Milan* by exchange of what shall be given to Mons. the Dauphin: Of all which they shall cause the most solemn and authentick Acts to be made that may be; that is to say, the Emperor and the King of the *Romans* when they shall ratify this present Treaty, and the most Serene Arch-Duke as soon as he shall come of Age; which shall be deliver'd to his Britannick Majesty and the said States General.

VII.

Emperor,
&c. refusing to ac-
cept the
said Share,
the States
to chuse
another.

Immediately after the Exchange and Ratification of this present Treaty, it shall be communicated to the Emperor, who shall be invited to enter thereinto; but if after 3 Months time from the day of the said Communication and the said Invitation, or the

the day that his Catholick Majesty shall die, if it happen before the expiration of the said three Months, his Imperial Majesty and the King of the *Romans* should refuse to enter thereinto, and agree to the Share assign'd to the most Serene Arch-Duke *Charles*; the two Kings or their Successors, and the States General, shall agree upon a Prince to whom that Part shall be given: And in case, notwithstanding the present Convention, the most Serene Arch-Duke shall take possession, either of the Part which might fall to him, before he has accepted the present Treaty, or of that Part which might be assign'd to *Monf. Dauphin*, or to him who shall have the Dutchy of *Milan* in exchange, as abovesaid, the said two Kings and the States General, by virtue of this Convention, shall hinder him with all their Forces.

VIII.

The most Serene Arch-Duke shall not pass into *Spain*, nor into the Dutchy of *Milan*, during the Life of his Catholick Majesty, but with common Consent, and not otherwise.

IX.

If the most Serene Arch-Duke should die without Children, either before or after the Death of the Catholick King, the Share which is hereby assign'd to him by the Articles of this Treaty, shall come to such Male Child of the Emperor, or, &c. except the King of the *Romans*, or such Children Males, or, &c. of the King of the *Romans*, which his Imperial Majesty shall think fit to assign it to: And in case his said Imperial Majesty should die without having made the abovesaid Assignment, it may be done by the King of the *Romans*; but on condition that the said Part shall never be united, nor belong to the Person of him who shall be Emperor or King of the *Romans*, or is become one or the other, be it by Succession, Will, Contract of Marriage, Donation, Exchange, Cession, Appeal, Revolt, or otherways: And in like manner the said Share of the Serene Arch-Duke shall never come or belong to the Person of a Prince that shall be King or Dauphin of *France*, or that is become one or the other, be it by Succession, Will, Contract of Marriage, Donation, or otherwise.

If the A. Duke die without Children, that Share for any other of the Emperor's younger Children.

X.

The King of *Spain* dying without Children, and the abovesaid Case happening, the two Kings, and the States General, do oblige themselves to leave the whole Succession in the same state as it shall then be, without seizing the Whole or any Part, directly or indirectly; but each Prince may immediately put himself in possession of what is assign'd him as his Share, as soon as he has fulfil'd on his Part the 4th and 6th preceding Articles: and in case of difficulty, the two Kings, and the States General, shall do their utmost Endeavours, to the end that each one should be put in possession of his Part according to this Agreement; and that it may have its entire Effect, engage themselves to give, by Sea and Land, such help and assistance of Men and Ships as shall be necessary to constrain by Force such who shall oppose the said Execution.

XI.

If the abovesaid Kings, and States General, or either of them be attack'd because of this Convention, or of the Execution that shall be thereof made, they shall mutually assist one another with all their Forces, and render themselves Guarantees of the abovesaid Convention, and of the Renunciations made thereupon.

Mutual Assistance if any are attack'd upon this Treaty.

XII.

All Kings, Princes, and States, that will enter into the same, shall be admitted into the present Treaty: And it shall be lawful to the two Kings, and States General, and to each of them in particular, to require and invite all that they shall think fit to enter into this present Treaty, and to be jointly Guarantees for the execution thereof, and of the Validity of the Renunciations herein contain'd.

XIII.

And for the further securing the Peace of *Europe*, the said Kings, Princes and States, shall not only be invited to be Guarantees of the Execution of the present Treaty, and of the Validity of the Renunciations, as above, but if any one of the Princes, in favour of whom the Shares are assign'd, do in time to come break the Order establish'd by this Treaty, and begin new Enterprizes contrary to the same, and so aggrandize himself at the expence of one or other, under any Pretence whatsoever; the Guaranty of this Treaty shall be understood to extend so far also in this case, that all the Kings, Princes and States, who promise the same, shall be

All the Guarantees oblig'd to assist against them that break this Treaty.

be oblig'd to employ their Forces against such Enterprizes, for the maintaining all things in the same Condition as agreed to by the said Articles.

XIV.

In case any Prince whatsoever oppose the taking possession of the Shares agreed on, the said two Kings, and the States, shall be oblig'd to assist one another against such Opposition, and to hinder it with all their Forces; and shall agree, after the signing this present Treaty, on the Proportion that each shall contribute both by Sea and Land.

XV.

The present Treaty, and all Acts made, or that have dependance thereupon, and especially the solemn Acts that his most Christian Majesty and Monseigneur the Dauphin are oblig'd to give, by virtue of the 4th Article aforesaid, shall be registred in the Parliament of *Paris*, according to the Form and Tenure, and usual Custom, to have place among the Conditions therein contain'd, as soon as the Emperor has enter'd into the present Treaty; or at the end of three Months that are allow'd him for that purpose, in case he does not enter into it sooner: And likewise his Imperial Majesty, when he enters into the same, shall be oblig'd to get it approv'd and registred, with all the Acts made in consequence thereof, or which have relation thereunto; especially the solemn Acts which his Imperial Majesty, the King of the *Romans*, and the most Serene Arch Duke shall be oblig'd to give, by virtue of the 6th Article aforesaid, in the Council of State or otherwise, according to the most authentick Form of the Country.

XVI.

The Ratifications of the two Kings, and the States General, shall be all three exchange'd at *London* at the same time, within the space of three Weeks, reckoning from the Day that the States General shall have sign'd, or sooner, if possible.

Done and sign'd at *London*, ^{3 March N. S. 1700.}_{21 Febr. V. S. 1699.} by us Plenipotentiaries of *France* and *England*; and at the *Hague* the 25th of the said Month of *March* 1700. by us Plenipotentiaries of *France*, and of the States General, the two Kings and the said States General having agreed that the signing of this present Treaty should be perform'd in this manner.

In witness whereof we have sign'd the said present Treaty with our Hands, and caus'd the Seals of our Arms to be affix'd.

Signed, *Tallard*, *Briord*, *Portland*, *Jersey*, *J. Van Erfen*, *F. B. de Reede*, *A. Heinsius*, *W. de Nassau*, *E. de Weede*, *W. Van Haren*, *Ar. Lemker van Heck*, with their Seals.

*The Fable of the Lion's Share, Verified in
the Pretended Partition of the Spanish Monarchy.*

Printed in
1701.

ADVERTISEMENT.

THE Author of these Papers shews, That the Succession of Spain is not a particular Controversy between the Emperor and most Christian King, but a Business of the utmost Importance to all Europe, and on which her Liberty or Slavery intirely depends: That there is no way of restoring the Balance of Christendom, which is so necessary for the Common Good, but by settling the whole Monarchy of Spain upon the Arch-Duke; and that any kind of dismembring whatever, tho France should not have one foot of Ground for her Part, would prove sufficient to advance that Crown to the Universal Monarchy. These Truths he has prov'd by Arguments of such Force and Evidence, as are sufficient to convince even those who are under the strongest Delusions and Prepossessions.

The Fable of the Lion's Share verified, &c.

WHEN the French Court express'd so much Zeal for the Peace of *Refwick* during the highest Prosperity of their Arms, 'twas easy to foresee that they were meditating other Conquests under the favour of that Peace, which should be less expensive, and of more importance than any they could promise to themselves by continuing the War: For to presume they acted by a Motive of Charity to give Peace to Christendom, as they would have us believe, is altogether inconsistent with their preceding Conduct; since nothing is more notoriously evident, than that they alone, by their insatiable Ambition, have depriv'd Europe of that Blessing, throughout the whole Course of this, and the preceding Reign. They were well inform'd, that *England* and the *United Provinces* were much exhausted; and that the Emperor, having born the weight of the Turkish War for fourteen Years, was no longer able to maintain his Troops upon the *Rhine*. They had put an end to the most troublesome and expenlive part of the War by an Agreement with *Savoy*: Yet they were resolv'd to have a Peace, they press'd it vehemently, and concluded one with disadvantage. They had already bought a Peace from the Duke of *Savoy* by restoring *Pignerol*, in hopes that his Separation from the Confederates, would facilitate the general one: and in this they sacrific'd their Ally King *James*, who had put himself under their Protection, to their common Enemy *R — G —* with whom they enter'd into private Measures for a stricter Alliance; by virtue of which, the undoubted Right of the Emperor and his Male Line to the Succession of *Spain*, was to be sacrific'd in requital, as appear'd soon after.

That the Peace was disadvantageous to the French, is evident by the Obligation they were under to restore so many Places of importance, which had cost vast Sums of Money to take and fortify; besides others that were to be demolish'd, to the great weakning of their Frontiers. But the vast Designs they had form'd, deserv'd

Design of
France in
making the
Peace of
Refwick.

Peace of
Refwick
disadvan-
tageous to
France.

* England
and Hol-
land.

all these Sacrifices. The Catholick King was in such a languishing Condition, as might carry him every hour to the Grave, and they had his Succession in view. The Continuation of the War would have kept the two great * Maritime Powers united to the Emperor and the King of *Spain*, by virtue of their Alliance; which was so prejudicial to *France*, and yet no way to be dissolv'd but by a Peace, that it became absolutely necessary to make one. The Conferences of the *Maréchal de Boufflers* with the E. of P. the Embassy of the Earl to *France*, and the extraordinary Honours done him there, were the forerunners of the Dissolution of the Confederacy, and of the Measures taken between the French Court and those Powers to secure the Succession of *Spain* to the Electoral Prince of *Bavaria*.

Design of
France in
declaring
for the E-
lectoral
Prince of
Bavaria.

This Expedient, however unjust, seem'd to the two Confederated Nations the most proper Means to bring them out of an expensive War with Honour, and at the same time to prevent the French from seizing the Succession of *Spain*. But on the other side, it was favourable to *France*, by depriving the Emperor of his Right, and putting the French King into a condition to appropriate to himself, under the Name of the Electoral Prince, whatever he should think convenient. Sutable to this View it could not but be advantageous to *France* to disarm her Enemies, which was to be the first Fruits of the Peace: For they were sure the English Nation would never suffer their King to keep up an Army without Necessity; and that the *United Provinces* would upon the Conclusion of the Treaty reduce their Troops, and apply themselves to the reestablishment of their Trade. As to the German Princes, they presum'd, that when they should find themselves depriv'd of the Supplies they us'd to receive from those Nations, and of the Winter-quarters which were assign'd them by the Emperor, they would disarm also; and that they alone remaining in Arms, and by means of the Peace furnish'd with sufficient Opportunities of embroiling Affairs in *Spain*, *Germany*, *England*, and the *North*, would find no Difficulty in the Execution of their great Designs upon the Death of the King of *Spain*, which they thought near at hand. The Disarming succeeded to their Expectation; and in less than six Months they saw their Enemies out of a condition to hurt them, which made them raise their Thoughts to higher things than they had before projected. To make the best use therefore of this favourable Conjuncture, after they had broken a few useless Troops, and sent home the Militia, which they could raise again at pleasure, they march'd the best of their Troops towards the *Pyrenees*, fitted out Fleets of Ships and Gallies to cruise upon the Coasts of *Spain* and *Italy*, and convey'd Men, disguis'd like Spaniards, into the City of *Madrid*, to assist their Embassador, who by his Intrigues had already put that Court into the utmost Confusion.

In this posture of Affairs the Catholick King recovers, almost miraculously; which, with the Disposition that appear'd towards a speedy Conclusion of a Truce between the Emperor and the Turk, made the Court of *France* slacken its pace, lest his Catholick Majesty (who had constantly refus'd to declare himself in favour of the Electoral Prince) should enter into Measures with the Emperor, arm'd and victorious, to bring the Arch-Duke *Charles* into *Spain*: Therefore since they could not flatter themselves any longer with hopes of obtaining their Ends without the Assistance of *England* and *Holland* (who had engag'd no farther than for the Electoral Prince) they enter upon a Negotiation with them upon that Project; and covering their Ambition under the specious pretence of the Publick Good, and Preservation of Peace, were compassing their main Design by oblique and indirect Ways and Methods.

The Advan-
tage France
had by
setting up
the Elect.
Prince.

'Tis evident, that by engaging the two Maritime Powers, and the Elector of *Bavaria*, to secure the Succession of *Spain* to the Electoral Prince, they should actually embroil them with the Emperor, whose Power by that means would be so diminish'd, that either he would be oblig'd to treat privately with *France* upon such Terms as he could get; or else, under pretence of putting the Electoral Prince into possession, they themselves would seize into their hands all the best Places, in order to leave him only what they pleas'd.

2. The Council of *Spain* seeing the Emperor disabled by this League from maintaining his Right by Arms, and justly fearing their Monarchy would be dismembred, could no way avoid to admit the Electoral Prince, and so fall into the Snare laid for them.

3. Most of the States of *Europe*, interesting themselves no farther than to prevent the Union of the *Spanish* Monarchy to that of *France*, would entertain less jealousy of the Possession they should take in the name of the Electoral Prince. And

And thus, when they had posted themselves in *Spain* and *Italy*, either a new War must be made to drive them out again, or they must have had by an Agreement prejudicial to all *Europe*, whatever they should think convenient for themselves, in order to save the rest for that Prince: and for this they had made early provision; for we now certainly know that they had already stipulated with the Elector of *Bavaria*, that the Kingdoms of *Naples* and *Sicily*, which they have so long coveted, should be yielded to them.

4. If the *Spaniards* and Maritime Powers should acknowledge the Prince Electoral's Right to the Crown of *Spain*, notwithstanding the Archduchess's his Mother's Renunciation of all her Rights to the *Spanish* Monarchy, which was made after the most solemn manner, in favour of the Emperor and his Descendants of the Male Line; this would be to create a Title in themselves, to be disputed hereafter with that Prince, under the Name of the Dauphin, representing the eldest Daughter of *Philip* the Fourth, whereas the Electoral Prince represented only the Younger; the Renunciation of the Queen his Mother, as they would have given out, being of no more force against him, than that of the Archduchess's against her Son. 'Tis true, some Exceptions would have been made, but they would have taken an opportunity of confusing them by the Sword.

The Death of the Electoral Prince, which happen'd in the midst of these noble Projects, cast the *French* and their Allies into new Perplexities. The most Christian King was fully convinc'd, that if he pretended to the whole Succession of *Spain*, in order to incorporate those Dominions with his own Crown, he should arm all *Europe* against himself. And if he pretended to obtain it separate and independent for one of his Grandsons, his Allies would not fail to oppose him privately; and by corresponding secretly with the Emperor and Catholick King, be enabled to destroy the Foundation of his hopes. These Considerations mov'd him to propose several Expedients to dissipate their Suspicions; whilst his Embassador at *Madrid* endeavour'd to persuade the *Spaniards* by all the strength of Promises, Intrigues and Bribes, to admit one of his Grandsons. But the Catholick King, and the Allies of *France* exprelling their Aversion to this Project, he at last agreed with R—G—in another Expedient to determine this great Affair; which was, by way of provision, to divide the Succession of *Spain* between the Dauphin, and the Archduke *Charles*.

The Death of that Prince the Cause of new Projects.

This Treaty, tho' mysteriously conceal'd, took wind, and awaken'd the Suspicions of the Courts of *Vienna* and *Madrid*. Yet there was some reason to doubt; first, because R—G—and two or three Persons alone of the greatest Figure in *Holland*, were said to be concern'd: and then, a Fact of such Enormity and Injustice wanted all appearance of probability. But the most Christian King finding himself oblig'd to maintain great Forces, that exhausted his Treasures, in expectation of a Succession which the Recovery of the Catholick King render'd every day more uncertain and remote; and apprehending on the other hand, by reason of his great Age, that if he should come to die without finishing this important Enterprize, the Dauphin might find himself too weak, or of too little Credit to sustain it with Success, he thought himself necessitated to put all to hazard, by making the Treaty publick, with the Circumstances which every Man knows.

Design of France in the Treaty of Partition.

How rash soever the Publishing of this Treaty may seem, it cannot be said to have been resolv'd without mature deliberation. The State of Affairs in *Europe* was inviting. *Spain* in the utmost Perplexity and Confusion lay under the Terror of his Arms, which threatned them by Sea and Land; all their Places unprovided, and their Frontiers open on all sides. The great Maritime Powers, from whom they ought to expect most, disarm'd, and in all appearance brought over to support the Treaty. These were such Considerations as might well oblige the *Spaniards* to think the Admission of a Son of *France* to the Crown of *Spain*, to be a tolerable thing, in the Danger they were in of being torn in pieces. And this was presently perceiv'd by the *French* to be the worst that could happen. There was a Party formed in *Spain*, to promote this Admission; for many principal Persons among the Clergy had already swallow'd the Bait, thro' a vain desire of Ease and Quiet, which they cover'd with the specious Pretext of Religion. Possibly, there was yet a greater Party among the *Grandeess*, of whom one part trembled at the Danger of losing all by Resistance, and the other was seduc'd by hopes of reaping Advantages from the Change. As to the Emperor, they saw him sufficiently employ'd in regulating his Frontiers with the *Turk*, and disbanding part of his Forces in order to recruit his Treasures. So that they thought themselves secure from him; especially

Reasons of France for publishing the Treaty of Partition.

ally considering, that the Divisions which had been form'd in the Empire about the Ninth Electorate, together with the Northern War: in which they doubted not to ingage him, would in all appearance put him out of a Condition to think upon things abroad. Besides all these favourable Dispositions, they counted upon the good Fortune of the Monarchy, so often experienc'd in the rashest-Attempts, and the Talent of the Nation for Negotiations and Intrigues, which has been verifi'd by the most astonishing Effects, even by persuading Princes and States, with whom they have treated, to act in a direct Opposition to their most essential Interests.

France
promis'd it
self Advan-
tage by Pub-
lication of
it.

According to these promising Ideas the *French Court* persuaded themselves, that the Publication of the Treaty could not but turn to their Advantage. For the Emperor, finding himself abandon'd by his antient Allies, and not daring to rely upon *Spain* in such extreme Confusion, would either be forc'd to accept his Lot, rather than lose all; and then they knew they should be Masters of every thing in the *Spanish Monarchy* that was convenient for them at present, with certain hopes of the rest afterwards; in which no other difficulty could arise but from the *Spaniards*, who not daring to trust the Emperor after this Acceptation, would find no other way to save themselves, than by giving their Crown to a Prince of *France*; upon which Offer the *French* would seem difficult, and disputing the Conditions, would endeavour either to draw them into a Dependence, or tear away the *Spanish Netherlands* to incorporate them with the Crown of *France*: Or, on the contrary, if the Emperor should refuse to accept the Treaty, which they thought improbable, then they trusted to *R—G—* and the Maritime Powers, who had engag'd to see the Conditions perform'd, and doubted not to bring in divers other Princes and States of *Europe*; decoying some of them with the Archduke's Lot, and others with vain Promises of a Part in the Plunder, thinking by these means to break all the Measures of the Emperor and King of *Spain*.

The Injusti-
ce and E-
normity of
the Partiti-
on Treaty.

Under these auspicious Influences, we saw that Treaty publish'd, which is now become the Scandal of all *Europe*. A Treaty which may be justly call'd, not only a Conspiracy against the *Austrian Family*, but against the Liberties of *Christendom*; directly tending to enslave Mankind to the House of *France*. This is the Design of that Treaty, irregular in every part, unjust in substance, and of the most dangerous consequence to all Sovereigns, who may with reason dread the Force of this Example. Henceforward, if nothing more be necessary to regulate Successions than a superior Force, and a Combination of three or more powerful Princes, what methods of Caution can they possibly take to secure their Dominions to their Children or Families? The King of *Spain* is not yet in his fortieth year, he is within the Age of having Children, and his Health may be restor'd by that Grace of God, which has been so visible in his Preservation. But he lives too long, in the Opinion of the *French*, who have waited for his death ever since he was born; and not daring to pretend to the whole Succession, lest all *Europe* should take the Alarm, they ingage *R—G—* and two or three leading Men in the Government of the *United Provinces*, whom they had gain'd, to consent that they should take either by Force or Treaty, what they judg'd most convenient for them, leaving only for form-sake such a Share to the Emperor's second Son, as they were sure to tear from him soon after. Thus trampling under foot the Rules of Law and Equity, and measuring all by their Ambition, they secure to themselves a Throne which is not vacant, and to which they have no Right, in prejudice of the true Heir.

But this is not all. They carry the Attempt yet farther, and no way trouble themselves about the Consent or Refusal of the actual Possessor of so many Kingdoms and States; as if he was already struck out of the Book of the Living, or as if, by being childless, he had forfeited all right of inquiring who ought to succeed him. Then, as to his Kingdoms and Dominions, tho the disposing of them is a thing that immediately concerns them, and determines their Happiness or Misery; they are no more regarded in the Treaty, than if they were so many Kingdoms of *Yvetot*, or Republicks of *San Marino*. The Treaty was propos'd to the Emperor and King of *Spain*, not as a Project upon which they had liberty to deliberate, but as a fix'd Decree and irrevocable Sentence, to which they must submit blindly and without reply. There is not the least mention made, that the Kingdoms and States to be divided shall be preserv'd by their new Masters, in the enjoyment of their Laws, Customs, Immunities and Privileges; a Favour that might have been stipulated for them, tho it had been done only for form-sake, and to keep them out of despair; for we know well enough that no such thing is to be expected from *France*.

The haughty and despotical manner of the *French*, in giving the two Monarchs notice of the Treaty, is yet more extraordinary. The Marquiss de Villars presents it to the Emperor, and prescribes the Term of three Months, to consider whether he will accept or refuse the Lot which was assign'd therein to the Archduke Charles, his second Son; declaring at the same time, that unless he accept within the Term limited, they will give it to another. And for the Catholick King, the Marquiss de Torcy, upon the delivery of the Treaty to his Embassador at *Paris*, declares drily and without farther compliment, that this Office was perform'd, in order to know whether his Majesty would consent to the Partition, or not: that, in the first Case, they would be content; if otherwise, such measures would be taken as should be thought most convenient. 'Tis left to the Judgment of all impartial Men, if this be not the Language of a Master, and a Dictatorian way of prescribing Laws in the utmost extent of Sovereign Authority. But such is the present Stile of the *French* Court; from whence one may easily infer, with what kind of Air they will speak and act, if the Treaty succeed to their Expectation. But they go yet farther; for they will not be contented to dispose of the King of *Spain's* Dominions as they please, and to pronounce Sentence against him with the highest Indignity: They affirm in the Treaty, that the Right of Succession belongs to the Sons of the Emperor, and the Dauphin of *France*; yet notwithstanding this Acknowledgment, 'tis stipulated at the End of the Seventh Article, that if the Emperor, and the two Princes his Sons shall refuse to admit the prescrib'd Partition, the two Kings and the States General will nominate another Prince, to whom the Share design'd for the Archduke shall be given. "Can any thing be more unjust and outrageous? They first deprive the Emperor of his Right to the Whole, then they divide the Whole between his second Son the Archduke and the Dauphin of *France*, giving all the Advantage to the last; and lastly, they threaten his Imperial Majesty, that unless he comply, they will give his Son's part to a third Person, in punishment of his Offence.

The haughty manner wherein the *Fren.* gave notice of the Treaty.

Let Men turn this Proceeding which way they please, they will not find such an example of Injustice and Arrogance, in either Christian or Profane History. Surprizals, Breach of Treaties, Invasions, and Desolation of Countries, are Attempts that cry aloud for Vengeance; and *France* has known how to make use of them with Success, throughout the whole Course of the present Reign: but that kind of hostile Actions is usually follow'd by others of like nature; Men oppose Force to Force, and when a War is begun, each Party endeavours to take all Advantages against their Enemies. Here, the Case is different. Injustice and Surprisal are disguis'd under the name of Peace; way-laying another Prince is said to be convenient for *Europe*, and Usurpation is cover'd with the deceitful Mask of an amicable Agreement. But what Law, or what Right had the three contracting Powers to assume this Authority, and to constitute themselves Sovereign Judges of so vast an Inheritance, to overthrow the Order of Succession that had been so firmly establish'd, and to adjudge the best part to *France*, that had renounc'd all by a solemn Treaty? Strange Tribunal! where a Party is principal JUDGE, and where the two others seduc'd by mistaken Interests, blindly subscribe his unjust Decisions. And indeed, who could ever have thought that *R — G —* should have engag'd with his most dangerous and implacable Enemy, to authorize such an enormous Attempt, so prejudicial to all *Europe*, and to his own People in particular? 'Tis upon this Prince, and his Creatures in *Holland*, that the blame must fall: For, as to the *French*, they have been so long in the possession of attempting any thing to compass their Ends, that nothing now can be surprizing which comes from them. But for *R — G —* and the States General, who can see them at the head of this Treaty without Emotion? What Titles or Characters do they bear to enable them to determine of Successions, especially that of *Spain*? I desire to be excus'd from explaining my self farther concerning their Conduct; for I cannot persuade my self, that a Prince so clear-sighted as *R — G —* can depart from the Interests of his Crown, as well as those of a Commonwealth which is intirely devoted to him, to enter into so pernicious a Conjunction with *France*, unless he had some farther Prospect of Affairs: Possibly he saw that Crown upon the point of breaking into a War, in order to make good its Pretensions, at a time when he was unprepar'd, and when the Emperor and King of *Spain* thought of nothing less than a Rupture: From whence we are to presume that he design'd, like a wise Politician, to charm the Storm by way of Negotiation; and upon this Principle was not unwilling that the *French* should publish the Treaty, to the end that the House of *Austria* might

Not to be parallel'd in any History.

might take such measures as they should think most convenient, keeping himself upon the reserve, and the whole Business in suspense during the Life of the Catholick King. This is the Turn and Interpretation that may be given to the several steps made by him, in conjunction with those of the *United Provinces*: And as nothing but Time can discover the Truth, I think myself oblig'd to wait, that I may not be found to decide rashly in so nice a Point. However this be, the Treaty appear'd under the Names of the most Christian King, the King of *Great Britain*, and the States General, the two last becoming Guarantees for its performance; and, which is yet more surprizing, appear'd under the deceitful colour of the publick Good and Peace of *Europe*: Gross Illusion! the Mask falling off even at the fourth Article.

*Aburdities
of the Mo-
tives to
this Treaty.*

If one should ask these three Powers what was the Object of their Union, they answer in the second Article, *To maintain the general Tranquillity of Europe*: And if we would know what was the Cause of their Apprehensions, they will presently reply, *They could not see without Grief, that the State of the King of Spain's Health had for some time been so languishing, that the Life of that Prince is in great danger; tho they cannot think upon this Event without Affliction, by reason of the sincere and unfeign'd Friendship they have for him.* Hitherto all goes wonderfully well; nothing but Christian Charity, the desire of Peace, and dismal apprehensions of the Death of the Catholick King. Nay, in confirmation of the third Head, we may say, that his most Christian Majesty's Uneasiness about the Health of this good King was carry'd to some Excess; for his design to send an Ambassador to *Madrid*, in order to be careful and vigilant about him, was the principal reason that mov'd him to press and conclude the Peace with disadvantage. This Peace was hardly ratify'd when his Ambassador appear'd at *Madrid*, to the astonishment of the whole Court; and to satisfy his Master's Impatience more punctually, laid the Post-road with his own Horses, causing his own Servants to ride as Postboys between *Madrid* and the Frontier, to the end he might be every hour inform'd, without trusting to the *Spaniards*, about that Health which concern'd him so much. A little Head-ach, or a restless Night, was become the Subject of an Express. In a word, this officious Minister, seeing the *Spaniards* alarm'd about the Succession, omitted nothing that might put them out of doubt, letting them see at a distance great Armies upon their Frontiers, and Squadrons of Ships and Gallies cruizing upon the Coasts of *Spain* and *Italy*, all ready to decide that Question.

*Instances of
the Fr. &
unfeign'd
Friendship
to the K. of
Spain.*

But to leave our Irony, and come to consider this *sincere and unfeign'd Friendship* in the most essential Proofs on't we can find. In the year 1667. the most Christian King seeing this young King a Minor, without Defence, under the Guardianship of the Queen his Mother, whose Authority was travers'd by Court Cabals; and knowing that the Queen, without any distrust, rely'd upon the Faith of the *Pyrenean Treaty*, and the precise and repeated Assurances of his Ambassador the Archbishop of *Ambrun*, that his great Preparations were not design'd against any of the Dominions of the King her Son, he fell upon the *Spanish Netherlands* on a sudden, penetrated into the heart of them, and would have subdu'd them infallibly, if *England*, *Sweden*, and the *United Provinces*, had not put themselves in a condition to hinder him. This Invasion he made without any such denunciation of War as the Law of Nations, and Customs of all civiliz'd People prescrib'd, contrary to the most solemn Promises made by his Ambassador in his Name, and against the plain meaning of the *Pyrenean Treaty*, Article 24. *Any Rupture happening between the two Crowns, six months time shall be given on each side to draw out, and transport Goods, Persons, &c.*

But what could stop the *French Court* when so fair an Opportunity was offer'd? yet for form-sake, the most Christian King, when his Troops were actually marching towards the *Low Countries*, and himself ready to follow, dispatch'd an Express to his Ambassador with a Letter and Manifesto to be presented to the Queen: And as if the Credit of that Manifesto forg'd by a mercenary Pen, had been sufficient to justify the Enormity of that Invasion, he departed without expecting an Answer, that he might take all the Advantages of a Surprise. His Letter was dated the 8th of *May*, and Hostilities began on his side ten days after. Let all Men judg how great the Grief of this afflicted Queen must of necessity be upon the News of a War so little expected: She had lost the King her Husband, and found nothing dispos'd to resist so powerful an Enemy. In this condition all that she could do was, to offer Terms of Accommodation: But Fortune had so much favour'd the impetuous Violence of *Lewis's Arms*, that he would not hearken to any. And if after-

wards

wards he was contented to receive Proposals, 'twas for fear of those Leagues which he saw forming against him on all sides, and upon condition he should keep the greatest part of what he had usurp'd.

These were some of the first Marks of the sincere and unfeigned Friendship of his most Christian Majesty towards a King who was not only a Minor, but his own Brother-in-law, and Cousin-German, to whom consequently he ought to have been both Father and Guardian. But this was not enough; for when in the Year 1672. he had attack'd the United Provinces in revenge for the Care they had taken to preserve the Spanish Netherlands, and the Catholick King had assisted them, as by Treaty he was oblig'd, he on a sudden abandon'd all the Conquests he had made, consisting of forty or fifty strong Places, besides a vast Extent of Land, to turn the strength of his Armies against the ruinous Remains of that miserable Country, in order to compleat the Conquest of it. The Emperor with his Allies snatch'd this Prey out of his hands, but were forc'd to sacrifice by the Peace of Nimeguen all the Frontier Places he had taken, by which means he became Master of the Avenues, and the Country still remains open and expos'd to his Invasions. And indeed from the time of that fatal Treaty, to the last at Reswick, all manner of Rapine and Plundering has been permitted by him, to ruin what he could not take.

During the interval which pass'd between the Treaty of Nimeguen and the beginning of the late War, and which was more fatal to Spain than an open Rupture, the French Court began to show what they are in time of Prosperity, when all things yield to their Genius and Ambition: They had already divided their Enemies at the Treaty, they had form'd a Revolt in Hungary, which kept the Emperor employ'd; and the Invasion of Austria by the Turks, undertaken at their Instigation, would, in their Account, drive him out of his hereditary Countries. No Conjunction could ever be more favourable to the great Designs they had concerted with that cruel Enemy of Christendom, their antient Ally. Accordingly they took hold of the Occasion, and gave the Catholick King fresh Proofs of this sincere and unfeigned Friendship. They began with the Blockade of Luxemburg, which they had never dar'd to attack in time of open War; but that place not surrendering so soon as they expected, they besieg'd it in form, and took it. And as if it had not been enough treacherously to break a solemn Peace, they went on to compleat the Ruin of the Spanish Netherlands by the most barbarous Extortions: They burnt, plunder'd, and exercis'd all manner of Violence to destroy the Country, and expel the Inhabitants; and were like to render it as frightful a Desert as they made of the Palatinate afterwards, if the frequent Defeats given to the Turks, and their Fears of uniting the Empire and the two Maritime Powers against them, by the Continuation of their Ravages, had not forc'd them to a greater Reserve.

But to what end should I renew the fatal Remembrance of those unhappy times, since we need only read the rest of the Treaty in question, to see the finishing Strokes of the Work? His Catholick Majesty having no Children, the business of the Succession will infallibly raise a new War, if the most Christian King should maintain his own Pretensions, those of Monseigneur the Dauphin, or his Descendants, to the whole Succession of Spain; and if the Emperor should also insist upon his Pretensions, those of the King of the Romans, of the Arch Duke his second Son, or of his other Children Males or Females, to the said Succession. This Turn is admirable: The most Christian King by placing his Pretensions in a Parallel Line with the Right of the Emperor, aspires at first to an Equality; then proposing a Division, as a plausible means of preventing all Contestation, pretends to some Merit, by contenting himself with half instead of the whole. Indeed the Artifice is subtle, but a few words will easily discover the Foundation of all his Pretensions.

The most Christian King has renounc'd the whole Monarchy of Spain, as well for himself as his Descendants, by stipulating and accepting the Renunciation of the Infanta Maria Theresa, made before she was his Wife; and thus violates this Contract, which was one of the most solemn and authentick that ever was made between Sovereigns: And all this founded upon the vainest Sophisms of the Bar, which are of no force against Publick Treaties; because these are Contracts made bona fide, authoriz'd by the Law of Nations among all People for the common Benefit of Mankind. This is the sandy Foundation of his pretended Rights: He produc'd them in the Manifesto I mention'd before, and contenting himself with the Formality, refer'd their Verification to the force of his Arms; which is a new Method of Law, that has since been of admirable Service to him in all his Designs. But what was there in that Manifesto, but a continu'd thred of captious Reasonings, which however

The Pretensions of France to the Monarchy of Spain groundless.

however supported by the most crafty Disguises, were only capable of imposing upon the simple and ignorant? The Author's Sentences are ambiguous, his Authorities remote from the Subject; and where he cites the Laws and their Interpreters, he omits the most important Passages, perverts the true sense of the Words, and confounds the Sovereign with the Commoner. What shall I say more? he falsifies known History, affirms most apparent Falshoods, and denies the most evident Truths. Thus trampling under foot that Justice by which he stands condemn'd, proving nothing, and enlarging in false Deductions, he sheds the Poison of his Malignity, upon whatever has been most solemnly establish'd by the Law of Nations, for the common good both of Sovereigns and People, as has been fully prov'd in the Answers to that Libel, to which the *French* have never dar'd to reply.

The most Christian King cannot be ignorant, that the Renunciation of Queen *Ann of austria*, his Mother, which excludes both her and her Descendants from the Kingdoms, and other Dominions of the Crown of *Spain*, was the preliminary Condition of her Marriage with the King his Father, stipulated as such, and accepted in the Contract, after the most authentick manner: That this Renunciation was esteem'd in *France* to be so just, and so necessary for the good of the Kingdom, that his Sister the (a) Princess *Elizabeth*, whose Marriage with *Philip the Third*, King of *Spain*, was then treating, was oblig'd to make thelike, excluding both her and her Descendants from the Crown of *France*: In consequence of which the Princess *Henrietta Maria*, her younger Sister, did the same in the Year 1624. upon her Marriage with *Charles I.* King of *England*, as the Historians of *France* witness. Which Examples, with many others of (b) elder times that might be added, are sufficient to prove, that there was neither Novelty nor Surprise, and consequently no Injustice in the Renunciation of Queen *Ann*; and that it *France*, which by virtue of their pretended Salique Law, excludes all Females from the Crown, did think convenient to take this Caution, the Argument will be much stronger, that *Spain*, which admits them, as far as their Admission may contribute to the Good of the Kingdom, should, and ought to take the same Care for their own Preservation.

The Renunciations the principal Conditions of the Marriages.

Neither was it possible to conceal from so sagacious a Monarch, that the mutual Renunciations of the two Queens were not only the principal Conditions of the two Contracts, but that the subsequent Exclusions, stipulated in the same by the two Kings, ought to have the force of a Law, or Pragmatick Sanction within their Kingdoms; and that the Catholick King had perform'd this Condition on his part, by passing the Exclusion of his Daughter Queen *Ann* into a Law, at the desire of the States assembl'd at *Madrid* in the Year 1619, as King *Lewis XIIIth* ought likewise to have done by causing it to be registred in the Parliament of *Paris*, according to the antient Usage of the Kingdom, and as he had solemnly oblig'd himself to do by the Contract. This Principle being thus establish'd, the most Christian King cannot pretend that his Marriage with the Queen *Maria Theresa* should give any more Right to his Son the *Dauphin*, and his Descendants, than that of Queen *Ann* his Mother with the King his Father, had given him; because the Renunciation of the late Queen his Wife refers to that of Queen *Ann*, is founded upon it, and agrees with it in every essential Point, as may be seen by comparing the two Contracts as far as they relate to the Renunciations, together with those Acts that were pass'd on both sides in consequence of them.

The Disingenuity of the Author of the Manifesto.

Who would not be surpriz'd at the Disingenuity of the Author of the *Manifesto*, who, to avoid the force of these Acts that destroy all his Sophisms, endeavours to seduce Men into a Belief, that the two Renunciations of the Infanta were only private Acts between the Catholick King and Her; and by a notorious Malignity would confound the Articles of the Contract, to which they relate, making but one Text of the 4th, 5th and 6th Articles, in order to corrupt the Sense, not only contrary to the Faith of a Publick Treaty, but much more to the Honour and Glory of the most Christian King? And by the way, 'tis to be observ'd, that there are two sorts of Exclusions stipulated, as well in the Contract of the Queen *Maria Theresa*, as in that of Queen *Ann*, with this Clause, That the Infanta shall pass a separate Act of Renunciation upon each. By the first, she was to renounce her legal Share, in consideration of her Dowry mention'd in the second and fourth

(a) Histoire du Card. de Richel. l.2. Grammond, l.13.

(b) Du Haillan, tom. 2.

Articles: By the second, she renounc'd all manner of Right to the Kingdoms and Dominions of *Spain*, as may be seen in the fifth and sixth Articles; this last purely and simply in consideration of the Publick Good of the two Kingdoms, without any other Reason, or any Relation to her Dowry. The Infanta perform'd the Conditions; the Acts are publish'd, and the bare reading of them is sufficient to destroy all the false Suppositions of the *Manifesto*. Neither is it possible to see what Service he has done to himself or his Cause by his Falsification of the Articles of the Contract, and his disingenuous Endeavours to make the two Renunciations depend upon the Payment of the Dowry, unless to expose himself to publick Laughter, for pretending to put the whole Monarchy of *Spain* to sale for the Sum of five hundred thousand Crowns, which, he says, were never paid. In my Opinion he would have better consulted the Glory of his Master if he had not touch'd upon this string, since whatever delay there was of Payment, 'tis wholly to be imputed to him for not accomplishing an antecedent Obligation of the Contract, which was to approve and ratify the Renunciations in conjunction with the Queen immediately after their Marriage, and to see them register'd in the Parliament of *Paris*, as he had oblig'd himself to do. Besides these, there are other Reasons, which I omit, as not properly belonging to my Subject.

But it we should think it possible that such essential Truths were disguis'd or conceal'd from the most Christian King, 'tis not rational to believe, they could deal so by him, in respect to the great Advantages he acquir'd by the *Pyrenean Treaty*, and were granted to him by the King of *Spain*, in consideration of his Marriage, which was the chief Motive, and principal Cause of the said Treaty, as the Peace of the two Kingdoms, that had been so long desir'd, was the Fruit of it. He must needs have seen in that Treaty, which he confirm'd by the Religion of a solemn Oath, that his Marriage-Contract, subscrib'd and ratify'd by himself the 24th of November in the preceding Year, was to be of the same Force and Vigor, as being the principal and most worthy Part of the Treaty, as may be seen more at large in the 33d Article. Which is more than sufficient to confound all the Exceptions of Fact and Right, which this vile Writer has advanc'd against its Validity.

Great Advantages to the K. of France at the Pyrenean Treaty on account of the Marriage.

I have insist'd the more upon this head, that I might shew the Vanity of the French Pretensions to the Succession of *Spain*; reserving those of the Emperor to be explain'd in another place. In the mean time I return to the mysterious Expressions of Tendernefs, and Considerations for the Publick Good, which the French and their Allies have us'd, to cover the Injustice and Enormity of the Partition Treaty. The Third Article will make the Discovery. And as the two Kings, and the Lords States General, desire above all things the Preservation of the Publick Peace, and to prevent a new War in Europe, by an Accommodation of the Disputes and Differences that might arise upon the Subject of the said Succession, or the Umbrage conceiv'd from the Union of too many Dominions under one Prince: They have thought good to take such necessary Measures before hand, as may prevent the Evils, which the sad Event of the Catholick King's Death, without Children, might produce. Here the intriguing Scene begins to open; and the Preservation of the Publick Peace, with the desire of preventing a new War, that hitherto had acted in disguise, are preparing to make room for the Ambition of *France*, which will act its part without a Mask. No War will ensue about the Succession of *Spain*, unless caus'd by the most Christian King; which he may avoid, if he will only keep himself within those Limits, which the Law of Nations, and Customs receiv'd among all civiliz'd People, have prescrib'd for the Decision of the Pretensions of Sovereign Powers. 'Tis an undoubted Principle among the Lawyers, and acknowledg'd by a (c) French Historian of good Credit, that all Rights, Donations, Contracts and Inheritances, in which Sovereigns are concern'd, should be treated and determin'd by Maxims of Dignity, by the Publick Law, by Reason of State, and with regard to the Good of Kingdoms; and not by the vulgar Axioms of the Bar, much less by Conclusions dictated by Flattery. According to this Principle founded upon natural Equity, if the most Christian King thinks he has any well-grounded Pretensions to the Crown of *Spain*, 'tis his part to represent them in due form to the Catholick King, and require him to get them acknowledg'd by the States of those Kingdoms and Principalities that are under his Dominion: which was the way taken in *France*, during the famous Dispute about the Succession, between *Edward King of England*, and *Philip de Valois*; and follow'd by *Philip the Second* in pursuit of his Pretensions to the Kingdom of

Tendernefs to the publick Good how shewn in the Partition-Treaty.

Portugal. Or if this Method did not please him; why would he not try the way of Arbitration, or the Decision of some Tribunal, to be agreed upon by both Parties? For if it be accounted sufficient among Sovereigns, to publish a Manifesto, and to verify their Pretensions by the Sword, what Security will there be henceforward against the Invasions of a more powerful Neighbour? What Bank shall we oppose against the Ambition of *France*, who produce nothing but vain Pretexes, and this only for the sake of Formality, as we have seen but too often under this Reign?

Philip II.
took ano-
ther course
in attack-
ing *Portu-
gal*.

Philip II. who in this unworthy Manifesto stands accus'd, of giving no other Reason for his Enterprize against *Portugal*, than that he knew the Justice of his Pretensions, and that Kings could find no Tribunal upon Earth but their own Conscience, acted in a very different manner upon that occasion. For he undertook nothing till he had consulted the most famous Universities, and the most Learned among the Lawyers and Divines of *Europe*. And this, not under borrow'd Names, as his most Christian Majesty might do, in his Case of the pretended Devclution; since by disguising the Quality of the Persons, and the Nature of the things in dispute, the very Substance of the Fact was destroy'd, and consequently the good meaning of the Lawyers and Divines abus'd; but propos'd the Case just as it was, without any disguise; and by that fair and open way of proceeding obtain'd the Commendation of all the Historians of that time. He did yet more; for before he made any other step, he dispatch'd three Embassadors, one after the other, to the Cardinal *Henry*, King of *Portugal*, and to the Estates of the Kingdom assembl'd at *Almeirin*, to inform them of his Right, and ask their Approbation. And when the Kingdom became vacant, he waited six Months longer, to obtain by the Peoples Consent, what the Estates had already voted him, as the nearest and eldest of the Male Line; no right of Representation, nor any other Law in *Portugal*, being any way contrary to his Admission. When afterwards he took Arms to put himself in possession, he was necessitated so to do, in order to oppose the Grand Prior of *Portugal*, who at the instigation of *France* attempted to usurp the Kingdom. By these means that wise King establish'd the Justice of his Pretensions. Whether the most Christian King acted in like manner before he invaded the *Low Countries* in 1667, is left to the Decision of all that will make the Comparison.

That great King, who has so often been the Object of the poisonous Passion of *French* Writers, gave an Example of Justice and Moderation, no less remarkable than the former, in a Case not unlike that which is now in question. The Infanta *Isabella*, his Daughter by *Elizabeth* of *France* who was his third Wife, and Daughter to *Henry II.* was consider'd as Heiress to the Crown of *France*, after the Death of her Uncle *Henry III.* who left no Children. The Queen her Mother had not renounc'd: She was the last of the reigning Branch; so that she had the Right of Nature and Blood on her side, which the *French* make so much Noise about, when they speak of the late Queen, tho they have no regard to those things among themselves. Besides, the Example of *Catherine* of *France* was favorable to her, who being Daughter to *Charles VI.* of *France*, brought that Crown to *Henry* the V. King of *England*, as well by virtue of her own Title, as in Confirmation of the ancient Right which the *English* deriv'd from *Isabella* a Daughter to *Philip* the Fair. This Settlement was made in the Presence, and with the Consent of her Father; authoriz'd by solemn Declarations of the Parliament, to the Prejudice of the Princes of the Blood, who had a Right to the Succession, according to the pretended Salick Law, tho the Dauphin had render'd himself unworthy by the Crime of which he was accus'd; and all this confirm'd twelve Years after, at the Coronation of *Henry VI.* the Son of *Catherine*.

How he e-
stablish'd
the Right
of his
Daughter
to the
Crown of
France.

Let us see then what Method was taken by *Philip* to establish the Justice of her Right. The President *Jeannin* being arriv'd at *Madrid*, with Commission from the Catholick League, to implore his Assistance against the *Hugonot* Party, who began to grow very formidable, the King let him know, that whereas the Crown of *France* did of Right belong to the Infanta his Daughter, if the States of the Kingdom would consent she should be marry'd to the Arch-Duke *Ernest*, he would settle the *Low Countries* upon her, in favor of that Match. And when the Estates were assembl'd at *Paris* in the Year 1593. for the Election of a Catholick King, he gave order to his Embassadors to present them with a Copy of this Right; but finding them resolv'd to have no other King than one of their own Nation, he consented that after the Infanta had been declar'd Queen, she should marry the Duke of *Guise*, who was a Prince born in *France*, whose Father and Grandfather had preserv'd the Religion of the Kingdom. And tho the Jealousy

Of the Duke de Mayenne broke this second Expedient, yet no Man could perceive, that the Refusal of the League had provok'd the King against them, or made him desist from sending them Assistance for the support of Religion; far enough from prevailing upon him to use his Power (which at that time was almost as formidable as *Lewis* the 14th's is now) to maintain his Right by Force. He had generously maintain'd the Catholick Religion in *France*, with vast Expence of Men and Treasure, and by that means neglected the Reduction of *Holland*, which has since brought so many Losses upon his Successors. Besides, the King of *Navarre*, who pretended to the Crown as a Prince of the Blood, tho ten Generations remov'd, was a relaps'd Heretick, Head of the *Hugonot* Party, and as such excommunicated by the See of *Rome*; and, which is more, declar'd by the Estates incapable of the Succession. To this we must add, that tho by the First Proposal, *Philip* would have placed the Crown in his Family, yet in requital, its Luster and Power would have been increas'd by the Accession of the *Netherlands*. By the Second, he preserv'd the Grandeur of the Nation, without any Diminution or Dismembring; and by both Expedients secur'd the Catholick Religion against Heresy, which under an heretical King would have been predominant: and that this was his only Aim, appears by what is said.

But to give all the Advantages we can to the French; let us suppose the Pretensions of the Infanta to have been ill-grounded; which is not so, for we have prov'd the contrary: What would *France* have said, if *Philip* had made use of the Plausibility of that Pretext to begin a War; and if to attain his Ends, he had sacrific'd Religion both in *France* and *Holland*, reviv'd the antient Pretensions and national Hatred of the English, divided the Inland Provinces among the Nobility, and excited all the neighbouring States to second him, inviting them with such a share of the Frontier Places as they should esteem most convenient for them? What would they have said, if they had seen the Envoys and Embassadors of *Philip*, imploying all kind of Intrigues and Artifices in Foreign Courts, to bring them by Force or Fraud into this unjust Partition, and taking a Deed of Consent from all that would be concern'd, attempting to surprize the Justice of a Conclave, by denying his Suffrage, and that of the Cardinals his Creatures, unless at the price of this shameful Sacrifice? 'Tis in this place that I ought to demand Justice from *France* against her own Example; and accepting her for Judg in her own Cause, require her to pass a just Sentence upon her own Conduct.

This Example of *Philip*, which the French cannot deny, clearly demonstrates, that the House of *Austria*, at the utmost height of her Power, was always averse from the use of these pernicious Maxims to satisfy that Ambition, of which she has been so injuriously accus'd; and by a just Comparison, how dangerous that of *France* is to all *Europe*, since she makes no difficulty to prostitute whatever is esteem'd most sacred in human Society. By the same Comparison we may judg where to place that Umbrage of too many Dominions united under one Prince, which is produc'd in the Treaty for a second Reason of avoiding a War. We may add also, that if *France* was able to maintain her Power and Advantages with so much Success in the last, not only against the Forces of the House of *Austria*, but against those of the Empire, *England* and *Holland*, either of which alone would have been formidable to them fifty Years ago, no colour of doubt can possibly remain.

If the Crown of *Spain* passes from the Catholick King to the Arch-Duke *Charles*, the House of *Austria* increases not in Power, the State of *Europe* remains the same; and I am perswaded, that all those Nations which the French endeavour to fill with Suspensions, will like it so well, that none of them would oppose such a Disposition, if the French should lay aside their turbulent Practices.

These Umbrages might have been reasonable under the Emperor *Charles V.* who possess'd the Hereditary Dominions of his Family with those of the Crown of *Spain*, especially at a time when *France* was not near so powerful as at this day. But the face of Affairs is so much alter'd since the division of that August Family into two Branches, that even from the time of *Philip II.* Son to that great Emperor, and his Successor in the Dominions of *Spain*, her Power began to decline, and consequently that of *France* to rise; which made so great a Progress in a short time, that the most irreconcilable Enemies of the *Austrian* Family, changing the Object of their Fears, made haste to her Defence, astonish'd at the unexpected Change, which convinc'd them, in despite of the Illusions of *France*, join'd to all the Force of Prepossession, that her Power was far from being establish'd upon so solid a Foundation as that of her Rival. And if *Henry the Fourth*, whom I mention'd before under

House of Austria always averse to the Methods now us'd by France.
H. of Austria not increas'd in Power by the Arch-Duke's Succession to Spain.

the Name of *King of Navarre*, after his Accession to the Crown, did insinuate to the Protestant Princes and States, that *these Umbrages* and too many *Dominions* in the two Branches, were a sufficient Cause of Jealousy, 'twas in order to flatter their Ambition; and because he knew their ill-will to that August Family, as well out of hatred to the Catholick Religion, as from a desire of enriching themselves with her Spoil. And if, in conformity to these Views, he drew that chimerical Plan of a Christian Commonwealth to be divided into fifteen Parts, by which the Catholick King was to be reduc'd to the Continent of *Spain*, and the *German* Branch to the two *Austria's*; his Design was no other than to excite those who were to have any Advantage by this dismembering, to enter into the Project with greater Zeal, and to take the principal Profit to himself: An Enterprize that appear'd so full of danger to *Elizabeth* Queen of *England*, that tho she was the chief Protectress of the Protestant Religion, as well as a declar'd Enemy to *Spain*, she commanded her Embassador to tell him, that if he should ever enter into the Design, the Condition should be, that the French should not have one foot of Ground more than they already possess'd. Now, if this Caution was thought so necessary, at a time when that Crown was not yet in a condition of giving Jealousy to her Neighbours, and this by a Princess who had so unquestionable an Interest to lessen the Power of *Spain*; what ought to be done at present, when *France* has turn'd the Scale that kept the two Houses equally poiz'd wholly to her own Side, and put her self into a condition to oppress all her Neighbours at pleasure? There remains therefore nothing more than to examine those wholesom Measures which the three Allies have jointly taken to secure the Peace and Tranquillity of *Europe*.

No Security in any Treaty to be made with France.

'Twould be superfluous to insert the fourth and sixth Articles, which contain these judicious Measures; or those that follow, which tend to make sure of the Maritime Powers to warrant the Treaty, and to persuade them of the Sincerity of *France* in the Execution, as well as to break all the Measures that might be taken by the House of *Austria* to defeat the Design. 'Tis sufficient to examine the Substance by the great, to demonstrate that the Promises of the French are mere Illusions, made only to attain their Ends; which when they have compass'd, they certainly know that no Guarantees shall be able to stop their Career. So that the Matter in dispute is not, whether they will execute the Treaty, or not; for, being wholly to their Advantage, there is no doubt to be made of the Execution: But the Question is, Whether they will keep themselves within the Bounds of the Treaty? which is a thing that all *Europe* cannot warrant. No Treaty was ever made with that Crown during the whole course of the last Age, in which care was not taken to prevent all the *Chicanes* they could possibly ground upon ambiguous Words, difficult Passages, or Irregularities of Style and Law; and yet all these Cautions could never hinder them from putting false Interpretations upon the Text, and pretending Nullities in Law, whenever they found it convenient. Thus, to go no higher, they dealt by the Treaty of *Munster*, in which they found out Titles enough to induce them to seize both *Alsacia's*, together with all that lay convenient for their Designs upon the *Saar*, the upper *Rhine* and the *Moselle*. All the Precautions taken at the *Pyrenean* Treaty to oblige them to abandon *Portugal*, and to put the Renunciation of the late Queen out of dispute, prov'd ineffectual. And for the Treaties of *Aix la Chapelle* and *Nimeguen*, they violated both, with so little reserve, and so continually, that they seem'd to have acquir'd a Right to make Infractions. After these Examples of so fresh a Date, what Judgment can be made of this? Is it conceiv'd in more clear and express Terms? Is the Form more authentick? Have the Treater taken any Oaths more binding than those made upon the Gospels? Have they found out a new Law of Nations, a new Publick Faith, and another Religion? Or, has any one of those Angels that preside over Monarchies, given Security for its duration? But if none of these things be, I demand what Means we have left to oblige the French Court to observe this Treaty? Will they change their Genius or Maxims? And shall not the same Reason of having got much, serve to intitle them to take more, even by a Rupture?

The Renunciations of the Partition Treaty mere Illusions.

Things being so, can Men look upon the following Clause, stipulated in the 4th Article, any otherwise than as a mere Illusion? *The most Christian King, as well in his own Name, as in that of Monsieur the Dauphin, his Male Children, Heirs and Successors, born, and to be born; as also Monsieur the Dauphin, for himself and his Children, Male or Female, &c. promise and engage to renounce, at the opening of the said Succession of Spain, as in this Case they do at this time renounce, all their Rights and Pretensions to the said Crown of Spain, and to all the other Kingdoms, Islands, &c. all which they shall confirm*

confirm by solemn Acts, in the most authentick and best Form that may be: Or upon that in the 15th Article; All the Acts made in consequence of the Treaty, or that have relation thereunto, and especially the solemn Acts which his most Christian Majesty, and Monsieur the Dauphin, are oblig'd to give by virtue of the 4th Article, shall be registered in the Parliament of Paris, according to their Form and Tenure, and usual Custom. If the Marriage-Contracts of the two late Queens of France, and the Acts of Renunciation which they gave upon them, were not so well known, it would be easy to shew by the Contents of the fourth, fifth, and sixth Articles of those Contracts, that none of all these Conditions are there omitted, but on the contrary, so firmly stipulated, and attended with such provisional Clauses, that possibly greater care was never taken on both sides, to establish the Security and Duration of any Treaty. But because I have already touch'd upon this matter, and the Fact is so notoriously known, I shall content my self to repeat what the Spaniards said with so much Wisdom to the Ministers of France, during the Negotiations at Aix la Chapelle: When the Ministers of France offer'd from the King their Master, a solemn Renunciation of all his Pretensions to the Crown of Spain, on condition they should let him keep what he had usurp'd in the Year 1667. those of Spain made Answer, That after all the Precautions which had been taken to secure that of the Queen Maria Theresa, 'twas in vain to desire any other; for if that was not valid, another would be less so.

Upon the same Principle, the Guaranty of the Maritime Powers, and all others that should come in, may be consider'd as another Illusion. It may indeed serve to compel the Emperor to be contented with his Lot, but not to force the French King to content himself with his: For when he has taken possession of his Share without any opposition, he will easily be Master of the rest, as I shall evidently prove in the following part of this Discourse.

In every Guaranty there is requir'd, not only a steady and constant Will, but also a Strength sufficient to enforce the Observation of a Treaty; neither of which is to be found here. For as to the Will, can we suppose it constant in R — G — who is old, infirm, and, which is more, liable to be cross'd by contrary Dispositions in his People? Can we suppose it in the United Provinces, whose Government is so easily embarrass'd, and who, to obtain a present Peace, will always sacrifice a future Interest? What I here say of these Powers, ought to be understood of all the rest, who either are subject to such internal Distempers, as make them unable to exert themselves, or have Enemies abroad, that necessitate them to keep a vigilant Eye upon Affairs at home. In this manner the Triple League, which has made so much noise in the World, was not only insufficient to defend the Low-Countries against the Invasions of France, but also turn'd to their Oppression, by the Facility which the French found to break that Alliance, and to dash the Allies one against the other. And we have lately seen the Guarantees of the Treaty of Oliva without motion, upon the Invasion of Livonia by the King of Poland, preferring their own Interest before all the Obligations of the Treaty. But if we can ground no Expectations upon the Will of the Guarantees, much less can we upon their Force: For, besides that they may find Employment at home, or a Diversion abroad, by the Artifices of the French Court, I would fain know of what Consideration are the Forces of England and Holland, in comparison with those of France? and for those of the Emperor, they may have work enough to cover his Hereditary Countries against such Enemies as that Crown may arm against him. But let us for once suppose that the French will find as many Enemies as in the last War, which yet is utterly impossible; will they not have such an accession of Power as must needs give them the Superiority? And if no essential Advantage could be obtain'd against them in that, what can we expect in this?

If then the Precautions mention'd in the fourth and fifteenth Articles of the Partition Treaty are mere Illusions, and the Guaranty of the two Maritime Powers, with as many more as would engage, so insufficient a Security for performance, what might not be here said of the Indignity and Absurdity of the Motives upon which it is founded? They are full of Compassion for the Sickness of the Catholick King; they cannot turn their Thoughts towards the sad Event of his Death without Affliction, by reason of the sincere and unfeigned Friendship they have for him. But to what end are these vain Expressions, unless to colour a Conspiracy form'd against his Crown, to put the French King into possession of the best part, and refer the rest to his discretion? Then, what can be more absurd than the Motive they alledg, pretending to rectify the Injustice and Enormity of the Partition by their Inten-

The Guarantees not able to secure the Duration of the Treaty.

What is requisite in a Guaranty.

Indignity and Absurdity of the Motives to the Treaty.

Intentions to prevent a War? And who does not see, that by the same Injustice they make it unavoidable? The Emperor's Right, the Interest of *Spain*, and the Security of *Europe*, rendering a War indispensably necessary. For to pretend that the Emperor and the Catholick King should submit to the unjust Decree of these new Legislators, is what can never be requir'd of them with any colour of Reason. Besides, 'tis the Interest of all Nations to whom this Treaty is injurious, and like to prove fatal, to make this Cause their own; from whence a War must of necessity ensue, into which all *Europe* will be oblig'd to enter. But suppose these two Monarchs accept the Treaty to prevent a War, which would otherwise break out on this occasion; is the danger of another, much more pernicious, prevented, which may assuredly be expected from *France*, when she is become Mistress of her Lot? If the English and Dutch could by this Treaty sacrifice the Interest of the House of *Austria* and *Europe* to *France*; are they sure others shall not be forc'd to sacrifice them to that Crown by the first Treaty to be made? May not the Empire, the Northern Crowns, and other Nations concern'd in their Preservation, reproach them with their own Example, and excuse the refusal of their Assistance, under the same Pretext of preserving the Peace of *Europe*? Let the Hollanders above all beware, lest they come to be the first Victims of this Sacrifice; for what would they have done in the War of the Year 1672. if the House of *Austria* had not generously deliver'd them from the Precipice by a speedy Assistance? And what will become of them upon the first * ill Satisfaction of the most Christian King, if that Family be no longer in a condition to assist them?

If the Peace and Tranquillity of *Europe* depended absolutely upon the Execution of the Treaty, the Emperor's Right might then be consider'd as a private Advantage, and as such be esteem'd subordinate to the general Good; the contrary of which is most true: For the Interest of his Imperial Majesty is that of all *Europe*, whose Peace and Security depends intirely upon the Preservation of the whole Spanish Monarchy in the Person of his second Son; which Truth is but too well prov'd already, and confirm'd even by the disposition of the Partition Treaty.

The Interest of the Emperor is that of all Europe.

In that Treaty the French King has stipulated for himself the Kingdoms of *Naples* and *Sicily*, divers Places and Islands situated upon the Coast of *Tuscany*, the City and Marquisate of *Final*, the Province of *Guspuscoa*, &c. all which Kingdoms, Islands, Provinces and Places are to be incorporated with his Crown, together with the Dominions of the Duke of *Lorain*, who in recompence is to receive the Dutchy of *Milan* for himself and his Heirs for ever. The Arch-Duke *Charles* is to have for his Lot *Spain*, with the other Kingdoms, Islands, Dominions, Countries and Places possess'd at present by the Catholick King, as well in *Europe* as elsewhere; but under two Conditions, First, That unless the Emperor accepts the Treaty within the term of three Months after he is duly inform'd, the Treaters shall agree upon a Prince to whom his Part shall be given; which is the Substance of the seventh Article. Secondly, That this Part shall never be united or remain in the Person of any of his Descendants, or the Descendants of the Emperor, who shall be either Emperor, or King of the *Romans*.

These Conditions thus tack'd to the Lot of the Arch-Duke, being only so many Snares laid by the French, as well to make his Part insignificant to him, as to have an occasion to seize the Whole into their hands; I shall endeavour to discover the artificial Contrivance of 'em, that none may be misled by them.

The Conditions subjoin'd to the Arch-Duke's Lot, so many Snares to bring it into the possession of the French.

1. The Lot stipulated for the *Dauphin*, is to be incorporated with the Crown of *France*, which is already but too powerful; whereas that of the Emperor is to be the Appanage of a younger Son, and that upon condition never to be united by Succession, or otherwise, to that of the Eldest, if he becomes Emperor; which is such a Disproportion, that, supposing the Equality of the Lots, excludes all Comparison in point of Advantage, since that of the *Dauphin* augments the Grandure of *France*, whilst that of the Arch-Duke not only deprives the Emperor of his Right to the Whole, but tends directly to overthrow his Power.

2. The French King stipulates for himself what he knows would be most difficult to subdue by Force, *Lorain* only excepted, and leaves to the Arch-Duke the decay'd and ruinous Dominions of *Spain* and the *Low-Countries*, which cannot fail to fall into his own hands as soon as he is in possession of his Lot. That the Conquest of the Kingdoms of *Naples* and *Sicily* would be a Work of the greatest difficulty,

is apparent from the many fruitless Expeditions, which the Kings and Princes of the House of *Anjou* formerly made into those Parts: And therefore considering, that in attempting the Conquest by Sea, he should meet with Dangers from the Winds as well as from Men, besides the difficulty of making a Descent, the prodigious Expence of Fleets sufficient for such an Enterprize; together with the uncertainty of Success in a Country where the Government of *France* is look'd upon with horror; considering also, that to make such an Attempt by Land, he should be necessitated to march his Troops through the midst of *Italy*, which would unite all Parts against him, and give time to the Emperor to send them Assistance; he resolv'd to play a sure Game, by comprehending them in his own Lot, that he might have them without a Blow.

3. That the Lot of the Arch-Duke must fall into the hands of the French as soon as they are in possession of their Part, needs no proof; since 'tis impossible for this Prince to keep *Spain*, when he can have no Assistance from abroad, nor any Communication with the Hereditary Countries of his Family in *Germany*, whilst *France* is Mistress of the Frontiers, as well by her preceding Conquests, as by the design'd dismembring of *Guipuscoa*. In the next place, what Advantage will the *Low-Countries* be to him, unless to serve for a Theater of eternal Wars with the Crown of *France*, which must of necessity be always triumphant, by reason of the Neighbourhood of its Provinces, and the many Places they possess in those Parts? In which the two Branches of the House of *Austria* will be intirely exhausted, only to preserve a Barrier for the Dutch against the Invasions of *France*, in recompence of the irreparable Mischiefs they have brought upon their Family. In a word, what will be the Fate of the Spanish Provinces in *America*, and the *East-Indies*, with the Islands they possess out of *Europe*, unless to become the Scorn of the French, English and Dutch Pirates? For if the Spaniards could not secure them in the height of their Power, what will they be able to do in this State of Desolation?

4. The Condition stipulated by the Treators, to nominate a third Person to the Lot of the Arch-Duke, in case of refusal, can be consider'd no otherwise than as a double Snare laid by *France* for the Princes of the House of *Austria*, to deprive them by that means of what seem'd to be left them by the Treaty: in this respect more dangerous, because the Emperor could no way avoid it. For if he accepted the Treaty, he offended the Catholick King in the highest degree, and drew upon himself the hatred of the Spaniards, which would certainly have determin'd them to settle the Crown upon a Son of *France*; to which the French Court would not have agreed, but upon advantageous Conditions: Possibly, they would have demanded the *Low-Countrys*, under pretence they were troublesome and expensive to *Spain*; together with the Dutchy of *Milan*, to give to the Duke of *Lorain* in exchange of his Dominions. On the other hand, if the Emperor refused the Treaty, they would proceed to nominate another; and then, by tampering with all, they would have sold their Suffrage to the highest Bidder.

5. This Condition covers yet a more dangerous Snare than the former; for the three Powers not presently agreeing upon another Person, the French would take advantage of that Delay, and propose the Lot of the Arch-Duke to several Princes, as a Prey to be divided among them; which would be a means to bring some of them off from their Alliance with the House of *Austria*, and to make others neglect their true Interest in this great Alteration of Affairs. So that if the Catholick King comes to die in this Conjunction, which is much to be fear'd, the French alone being in Arms, and their Forces already posted upon the Frontiers of *Spain*, they may easily make themselves Masters of the Seat of the Monarchy, and by that means secure the Conquest of the rest: for 'tis not to be presum'd, that the Spaniards, under so great a Consternation, would sacrifice their Estates, Families and Fortunes, to keep the Places in which they command for the Arch-Duke, when they see him excluded from the Crown; and if any of them should be so zealous, how could they be sure of the Fidelity of the Garisons that serve under them?

6. The French may not only take advantage of this Delay, to seduce some and amuse others, whilst they fortify their Party in *Spain*, as well by their Intrigues, as by the Terror of their Arms; but the Opportunities they would have in the principal Courts of *Europe*, to lure them into their Interest, or at least to persuade them to enter into the Guaranty of the Treaty, would no less contribute to facilitate their grand Design. And 'tis to be fear'd, that by this means they may engage such a Party, that both *England* and *Holland* would find difficult to break; whenever

they

they shall return to their true Interest. 'Tis well known what Divisions reign in the Empire, and in the North, and how many several ways the French have to give the Emperor trouble, even in the remotest Parts of *Germany*.

No Measures less
advantageous for the
House of
Austria.

7. If R—G— by the Scheme of the Partition, design'd to interest the House of *Austria* in the Defence of the *Low Countries*, without rendering them too powerful there; and at the same time, to oblige the *French* to turn the Strength of their Arms from that Frontier, by engaging them in an *Italian War*, 'tis certain he could not take any Measures less conducing to that End. For if all the Power of that House could not maintain those Provinces against *France*, confin'd to its own Limits; what can now be done, after so vast an addition of new Acquisitions? And who can tell, whether the People of those Countries, weary of suffering as much by the fruitless and burdensom Succours of the Maritime Powers, as from the Invasions of *France*, will not throw themselves desperately into the Arms of the Crown? Then as to the Diversion pretended in *Italy*, if the *Fr. King* becomes Master of *Spain*, either for himself or one of his Family, to which things seem to tend more and more every day; either he will find little difficulty in seizing the *Spanish* Dominions in *Italy* as accessional to the Head, for the Reason I mention'd before; or else there will be no diversion at all. But if, on the other hand, the Treaty produce its effect, and the two Branches of the House of *Austria* be depriv'd of a mutual Communication, *France* furnish'd with means both of diverting the Emperor's Arms by an intestine War, and embarassing the Affairs of the two Maritime Powers, a War in *Italy* can neither be difficult nor lasting. Besides, the Success of *France* in that Country, will deprive those Powers for ever of their whole Trade to the *Levant*, as I shall show presently.

Tho the Points last mention'd are sufficient to alarm all *Europe*, if the approaching Dangers be duly consider'd; yet the Court of *France* is so indefatigable in using all her Arts to disguise or conceal the dismal Prospect, that I think my self oblig'd to discover the common Peril, and to prove with demonstration, that tho the *French King* should not get one foot of ground upon the Death of his Catholick Majesty, yet if he can procure his Dominions to be divided, such a Dismembring alone would place *France* in the Throne of the Universal Monarchy, to which she has such a vehement desire.

The Dismembring
of the *Spanish* Monarchy, a
Matter of
France.

If the *French* scatter their Treasures in all the Courts of *Europe*; if they amuse one part, and draw the other into their interests; if they imbroil People on all sides, only for the sake of Imbroiling; if they maintain great Armies, which exhaust their Country; in a word, if they move Heaven and Hell, to make as many Enemies to the Emperor as they can, and to seduce his Allies, no Man ought to wonder. For this is a Master-game; and if they succeed, they will be reimburs'd with Interest, and become absolute Arbitrators of *Europe*. The great Business of *France* is to triumph over her Rival, which cannot fail, if she be permitted to tear up the Foundations of her Power, by dismembering the Dominions of the *Spanish* Monarchy: for so soon as the House of *Austria* shall cease to be the Ballance of her Power, no other Bark will be capable of putting a stop to her Rapidity and Violence. And here I cannot but wonder at certain speculative Politicians, who either thro Humour or Prepossession, look upon the Danger without Concern, relying upon trivial, antiquated and unseasonable Maxims. They will wait for a Remedy from Time, which will either never come, or will come too late; and they doubt no more of Revolutions, which depend intirely upon Chance, than they do of Evangelical Truths; even inferring from the present Grandure and Elevation of *France*, a necessity of her approaching Ruin. If these Enthusiastick Politicians had well examin'd the present State of *Europe* and that of *France*, I am sure they would reason in another manner. But I shall only desire they would consider the Example of the *Ottoman* Empire, and then blush at their own Indiscretion: For if this vast Power has already continu'd above four Ages, 'tis to be presum'd that of *France* may last longer, especially considering all those Maxims so proper for Conquest, which she has not only copy'd from thence, but taken care to observe in the most punctual manner, both at home and abroad; 'tis therefore their Business to consider, whether this kind of Government will agree with them or not, for they must determine, and that speedily.

Advantages of the
French
Lot.

As the Execution of the Partition seems to be the grand Object of the two Maritime Powers, 'tis necessary to shew what Advantages the *French* will obtain by their Lot, in order to their grand Design, which is to render that of the Archduke so burdensom to him and his Family, as may pave the way for them to seize it upon
the

the first War. I shall begin with the Kingdoms of *Naples* and *Sicily*, which are the first in order.

In this place if we only consider the Fruitfulness and Abundance of all things in those Kingdoms, and the use *France* will make of them when they are reduc'd to the foot of the *French* Government, 'tis certain, to go no farther, that they will be more advantageous to them than all *Spain*, under the present Desolation, will be to the Arch-Duke. These two Kingdoms, which were call'd the Nurses of antient *Rome*, and justly esteem'd such by *Rome* modern, will plentifully furnish their Armies both by Sea and Land: And if they have been worth to the *Spaniards* four Millions of Crowns by year, we may modestly compute they will be worth six to the *French*. But their Ambition will not be satisfy'd with this single Advantage, they aim at the Conquest of all *Italy*, and those Kingdoms will facilitate their Design, and render them so formidable in the *Mediterranean*, that no other Nation shall dare to show themselves upon that Sea without their permission.

The *French* have always consider'd the Conquest of *Italy*, as more conducing to accomplish their grand Designs, than any other; this was the Motive of all those Attempts they formerly made upon the Dutchy of *Milan* and Kingdom of *Naples*, as the most proper Places to begin their Enterprize. But what Conquests soever they had the Fortune to make there, they could never preserve them for want of a Communication with *France*, which was always disputed either by Sea or Land. The History of the Reigns of *Charles VIII.* *Lewis XII.* and *Francis I.* are full of the Relations of those Attempts, and of the ill Success that follow'd them. And if the Revolutions ensuing in *France* from the death of *Henry* the Second, Son and Successor to *Francis I.* to the grand Pacification under *Henry IV.* put them out of a condition of having any such Thoughts; yet no sooner was the Kingdom quieted within, but those Designs were again reviv'd. The Duke of *Savoy* was the first that felt their Arms, and was forc'd to save himself by a disadvantageous Treaty. They did more under *Lewis XIII.* Son to *Henry*: For tho he was often imbaras'd by intestine Revolts, yet he carry'd a War into *Italy*, and secur'd himself a Passage into those Countries by the Acquisition of *Pignerol*, after he had fail'd in his design upon *Cazal*, which would have extended the Line to the middle of *Lombardy*. But the Measures which have been taken under the present Reign, could not have fail'd to succeed, if they themselves had not given occasion to break them: For having consider'd, that without a Line of Communication they should never make any lasting Conquests, they saw this Line must be drawn quite down the *Po* to the *Adriatick* Sea, by which *Lombardy* would be divided, and they in a condition to act as they found convenient, on the one or the other side. They were in possession of *Pignerol*, which lies at the foot of the *Alps*, and gave them an easy entrance; and the next step they were to take was to post themselves somewhat lower. To this purpose the City of *Cazal* seem'd most convenient, because strong by Nature, situated upon the *Po*, and commanding the *Milanese* and *Montferrat*: Accordingly they purchas'd it at a dear rate of the Duke of *Mantua*, and after they had fortify'd it with their utmost care, made it their Magazine, and fill'd it with all kind of Ammunition; they cast their Eye upon *Guaftalla*, situated a little lower upon the same River, and treated with the Duke, who was Proprietor, for liberty to fortify and put a *French* Garison into that place also. This Design, which was laid with great Circumspection, could not have fail'd to make the *French* King Master of *Lombardy*, and consequently of all *Italy*, to which that Dutchy serves for an Out-guard. For tho there are many important Places between *Cazal* and *Guaftalla*, such as *Valenza*, *Pavia*, *Alexandria* and *Berselli*, they could not have held out long against so great a Power, taken up only in this War; and on the other hand, furnish'd with means sufficient to divert the Forces of the Emperor and Catholick King in other places.

But whatever the *French* have lost by embracing too much at once, they recover again with Interest, and without a Blow, by the Treaty. The Project, I just now mention'd, would have been attended with some difficulty; the Attack was to be made on the stronger part of *Italy*, great Rivers were in the way, divers fortify'd Places to be taken, all which would have given time to the Catholick King to reinforce his Troops, and to the Emperor to assist him. But if the Kingdoms of *Naples* and *Sicily* come once into their hands, and the State of *Milan* into those of a Prince of little Power, like the Duke of *Lorain*, what can hinder them from subduing all *Italy* when they please? 'Tis an undeniable Truth, that *Italy* alone cannot resist the *French*. But grant they could raise an equal number of Troops to oppose

Lewis XIV.
has exercis'd a despotick Power in Italy and Rome.

His haughtiness
by Treating of
Genoa, Savoy, &c.

Spain can
not subsist
without her
Dominions
in Italy.

them, which is impossible, they would always be inferior in goodness: for what Hopes can they ground upon Men rais'd in haste, without Discipline, and without Officers? besides the Disorder and Confusion which will be found in a Conjunction of divers small Bodies of Men, drawn from the several States that compose that Country, each of them having particular Views, and distinct Interests. For these Reasons 'tis absolutely necessary to have foreign Assistance to save *Italy*: and from whence shall it be obtain'd, unless from the Emperor or King of *Spain*? But how shall their Succours be introduc'd, without a Line of Communication between the two Branches, and without a foot of Land to subsist them? Nothing could hinder *Francis I.* from subduing *Savoy* and *Piedmont*, which are the Ramparts of *Italy*, at a time when his Forces were ballanc'd by those of *Charles V.* and for the most part inferior; nor, in succeeding times, *Henry IV.* and *Lewis XIII.* from filling *Lombardy* with their Troops, and rendering themselves Arbitrators of all Differences, tho the Catholick King had then very considerable Armies in the State of *Milan*, which might be continually reforc'd by Assistance from *Germany*. In a word; nothing has been able to hinder *Lewis XIV.* from exercising a despotick Authority in *Italy*, during the whole course of his Reign, especially in *Rome*, and against the Dignity of that See, that others might learn Submission by their Example. *Italy* has never been so much insulted by *France*, as under his Reign. He carry'd his indignation so high against the *Corse* Guard in the time of *Alexander VII.* that the Pope was compell'd to purchase an ignominious Peace, to save the Country from the Fury of his Arms. And all Men know, how incessantly he persecuted *Innocent XI.* after the most enormous and scandalous manner, as well in his Ecclesiastical Superiority, as his Temporal Sovereignty, maintaining in *Rome* a Sanctuary for the worst of Criminals, by open force, in contempt of the Supreme Authority, and the Laws of the City. He went yet farther, and attack'd him in his Person, procuring him to be declar'd, by an Arrest forc'd from the Parliament of *Paris*, to be a *Jansenist*, a *Visionary*, a *Quietist*, and a Favourer of Hereticks; and this Piece he caus'd to be publish'd throughout all the Towns of his Kingdoms. All these Persecutions were endur'd with exemplary Patience; and yet the Pope's Crime was no other, than that he assist'd the Emperor against the *Turk*: but that was a Crime which in the sense of *France* could not be punish'd with too great severity. What shall I say of the Bombarding of *Genoa*, which was executed by his Order, under the most frivolous Pretext? and yet a Reparation extorted from that Republick, in so haughty a manner, as shew'd a Design of signalizing the Affront by another of a more mortifying nature. What might not be said of his despotick way of treating the Duke of *Savoy*, who was so nearly related to him, and liv'd in a most respectful dependance upon him; prescribing such things as tended to the Ruin of his Dominions and Family, as all the World saw, when he endeavour'd to send him to *Portugal* for a Wife, who by detaining him in that Country, might give the Crown of *France* an Opportunity of making all sure in *Savoy*, under the Name of his Mother? Did he not also forbid the Uncle of the said Duke to marry without his Consent, which perhaps he would never have given; that when the Reigning Branch should come to be extinguish'd, he might substitute the other, consisting of Princes born in *France*; who should purchase his Protection at a dear rate? These things have been done lately; and I only mention them by the way, to shew what may be expected whenever the *French* grow powerful in *Italy*. For if they have exercis'd so despotical an Authority in that Country, at a time when the Catholick King by his own Force, and with the Assistance of the Emperor, was able to put a stop to the Violence of their Arms, what will they not do, when this Support shall fail, and they attack the *Italians* in Front by the way of *Lombardy*, in the Rear by the Kingdoms of *Naples*, and on the Flank by the Ports of *Tuscany*? This I leave to the Consideration of all those Princes and States, who are concern'd, that they may take such Measures as are necessary to prevent the Danger. They may be inform'd by a *Spanish* Discourse publish'd the last Month, of the Calamities which threaten them from *France*, if they suffer that Nation to make nearer Approaches, by possessing themselves of the two Kingdoms in question. And therefore to avoid prolixity, I refer them to that Writing, in which care is taken to acquaint them with the Evils impending over each of them in particular.

But if *Italy* be not able to resist *France*, without the Assistance of the Emperor and Catholick King, *Spain* will be much less able under an Arch-Duke, depriv'd of his Dominions in *Italy*, and without any communication with the other Branch of his Family in *Germany*. All Men know the Desolation of *Spain*, in respect of Treas-

ure;

sure, Men, Manufactures and Trade; which must be supply'd by other Nations: not that these things might not be produc'd by a little more Pains and Labour; but then, in order to that end, Impositions would be necessary, after the Mode of *France*, to awaken the Industry of the People, which the natural Goodness of their Kings, as long as they have any of the House of *Austria*, will, we presume, always prevent. So that the *Spaniards* are poor in the midst of those vast Treasures yearly brought from *America*, which they suffer to pass thro' their own hands to enrich their Neighbours, and especially the *French* who are their natural Enemies. Their Men, who were formerly admir'd, and accounted the best Infantry of *Europe*, have now no disposition to Arms, by reason either of the Disorder sintroduc'd into their Military Oeconomy, or the Irregularities of the publick Administration. They apply themselves neither to Arts nor Trade, chusing rather to live meanly without Labour, than to grow rich by a less commodious Industry: which slothful Temper has been fomented by their five last Kings, who having great Resources from abroad, supply'd their Indigence by great Profusions; and when the principal Revenues of the Crown were not sufficient, they ingag'd and alienated the very Funds to support that Charge. So that if Men consider the exhausted Condition of *Spain*, separate from the many Aids she receives from abroad, they can hardly believe, what History tells them of the Forces and Power of some of her antient Kings, in times when they had not half the Continent of that Country, and no kind of Assistance from any other part.

These Wants have been hitherto in great measure supply'd by their Dominions in *Spaniards Italy*, which have enabled the *Spaniards* to sustain all the Assaults of *France*; more especially under the two last Kings. And this Conjunction of Forces is of farther Importance, by facilitating the Succours of the Emperor, which are become absolutely necessary to *Spain*, since the formidable Increase of the *French* Power. In that View, the Catholick Kings have been always extremely jealous of preserving this Communication, and therefore have consider'd the Ports of *Tuscany*, tho' in appearance of small moment, as one of the brightest Jewels of their Crown.

These Ports lying between the Kingdom of *Naples* and the Place of *Final*, which opens a Passage into the Duchy of *Milan*, secure a Communication between *Spain* and *Italy* by Sea, without disturbing any of those Powers that lie in the way by Land; as they serve in like manner to draw a Line of mutual Assistance between the two Branches of the House of *Austria*, which is the Security of both: and on this account the *French* did all they could, under the last Reign, to possess themselves of these Ports; and had not fail'd of Success, if a Distemper, produc'd by the badness of the Air, had not ruin'd their Army. 'Tis for the same reason that they have stipulated 'em by the Treaty for themselves; and are so much afraid of mistaking, that after they have comprehended them in general Terms, they specify each under its proper Name. These same Ports, which have been formerly called the Manacles of *Italy*, in hatred to the *Spaniards*, will become really so in the Hands of *France*; who doubtless will use them with dexterity enough, to inflame all the rest of that Continent. For being Masters at Sea, nothing will be more easy, than to attack *Tuscany* by that way, whilst their Land Armies possess themselves of the Ecclesiastical State on one side, and of *Piedmont* and *Lombardy* on the other.

If the *French* pretend the *Tuscan* Ports, as accessional to the two Kingdoms that are to be incorporated, are necessary to preserve a mutual communication, no Man ought to be surpriz'd, for they are of great use to them. But if they have no other view, why do they not leave the Marquisate of *Final* to the Duke of *Lorraine*, being a part of the State of *Milan*, which they have stipulated for him by the Treaty, since the little Port, or rather Road that belongs to that Place, is of no consideration to secure the Command of that Sea? The Reason is evident, for they look upon *Milan* only as a thing deposited in the hands of the Duke, which they may take when they will, and therefore resolve to keep the Keys, that they may enter when 'tis convenient.

These Measures so judiciously taken, prove evidently, that the *French* have a Design, not only upon *Italy*, but *Spain* also, when in the hands of the Archduke: for what Forces can he oppose against *France*, in that wretched Condition to which his Kingdom will be reduc'd, without all hope of Assistance either from *Italy* or *Germany*? The two last Kings, with both these Advantages, have not been able to secure their Frontiers against the Power of the Crown, since *Lewis XIII.* took the County of *Roussillon*, and advanc'd his Conquest to *Lerida*; and *Lewis XIV.* when

almost all *Europe* was confederated against him, forc'd *Barcelona*, and possess'd himself of *Catalonia*. But if the *French* could carry their Arms so far at a time when *Spain* had such great Assurances from abroad, what will they do when their Strength is increas'd, by the addition of those Places which were a considerable part of that Aid, but attack that Kingdom by the three Passages of the *Pyrenean* Mountains, whilst they keep the whole Coast in a continual Alarm by their Fleets? These three Attacks by Land will be easy at all times, because they will be made by a Line of Communication, which no foreign Power can interrupt: Besides, they may take what time they please for Preparation, and make their Attempt in the profoundest Peace, according to their new Maxims. As to the Coast of *Spain*, what Places are there in a Condition to resist? There's only *Barcelona*, *Cadiz*, *Sr. Sebastian*, and *Fontarabia*, that require a formal Siege: Of all the rest, there is not one which may not be forc'd in few days, by a single Detachment, whilst the *French* are Masters at Sea. But what difficulty can there be in taking the four Places last mention'd, when *Barcelona*, which is the most considerable, could not be sav'd in the last War, tho defended by a numerous Garison, disciplin'd, and well commanded; tho there was an Army near to reinforce them with Men, and give the Enemy Diversion, who never employ'd the sixth part of their Forces in that Siege? *Cadiz* will be easily forc'd, by sending a Fleet into the Gulf, and landing a competent number of Men to make an Attack at the Neck of Land, on which it is situated; and having Bombs in readiness, to lay the Town in Ashes, in case of Resistance.

Importance
of the Pro-
vince of
Guipuscoa
to France.

Possibly, they would find more difficulty in taking *Fontarabia* and *Sr. Sebastian*; the first of which Places they formerly besieg'd in vain: and the principal Reason of this difficulty is, That the Avenues of that Frontier are almost impenetrable, as well by reason of the Mountains that cover them, as the personal Valour of the Inhabitants, who have always maintain'd themselves against all foreign Power, as the *Romans*, and in after-Ages the *Moors* experienc'd to their Shame. But let the *French* alone, they have taken care of that by the Treaty; for they have there, in express Terms, stipulated for *France* the whole Province of *Guipuscoa*, in which both those Places lie, and are so fearful they should not be sufficiently understood, that they have nam'd them in particular, as well as the Port of *Passage* which lies between them. By this precaution they make sure of that Frontier, which is bounded by the Ocean, and is the only part of *Spain* secure from Danger, and able to stop the course of their Arms. As for the Port of *Passage*, tho us'd by the People of the Country only for Fishing, the Court of *France*, not without Reason, has been pleas'd to give it a mark of distinction, by the word *Especially*: For no Place will be of more Advantage to them, capacious enough to contain the greatest Fleet, and secur'd from all dangerous Winds; the Hills and Country round about cover'd with Oaks of great bigness, and ready at hand for building Ships of War. Which Advantages are so much the more considerable to the *French*, because they have no Port in all that Sea, where they are to be found in equal proportion.

But 'tis not enough for the *French* to become Masters of this haughty Frontier, which has hitherto put a stop to their Fury, to acquire a Port which has no equal in the Ocean, and to bring under their Power the most warlike People of all *Spain*, as well as the most proper for the Sea. There are many other Mountains and Passes, in the way to *Victoria*, where the Plains begin, among others that of *St. Adrian*: and because these might prove dangerous or inconvenient upon occasion, they have wisely and dextrously obviated all in the same Article; for after they have stipulated the Province of *Guipuscoa*, as I have mention'd before, they proceed in their Business thus, *With this restriction only, That if there be any Places, in like manner, depending upon the Provinces subjected to Spain, which are on this side the Pyrenees, or other Mountains of Navarre, Alava, or Biscay, on this side the Province of Guipuscoa, they shall remain to France; and the said Mountains, together with those that lie between the said Province of Guipuscoa, Navarre, Alava and Biscay, to whomsoever they belong, shall be divided between France and Spain, so as there shall remain as much of the said Mountains to France on her side, as to Spain on the other.* The *French* in this place use the word *Restriction* in a wrong sense; they would have explain'd their meaning better, by that of *Extension*, which in this place serves to express the enlargement of their Frontier far beyond *Guipuscoa*. But not to dispute about Words, we may consider this Expression as relating to a second Intention of *France*, which she reserves for a source of *Chicane*, that will admirably serve her Designs.

It will come to be necessary, to explain what is meant by the *Pyrenees*; and here they lie in wait for the *Spaniards*. If the long Chain of Mountains, which separates *Spain* from *France*, be understood by that name, the sense will be clear, every Map will guide us, and the *French* put themselves under the Obligation of restoring *Roussillon* to *Spain*, because it lies on the *Spanish* side of that Chain. But if the Question be extended so far as to measure the breadth of the Mountains, and to give one half to the *French*, this would carry them a great way; and, besides the Province of *Guipuscoa*, give them footing in all the adjacent Countries, by comprehending in their Share, whatever Posts or Passes lie convenient for them, in *Biscay*, *Alava*, and *Navarre*. Their Geographers will presently find, that all the Mountains of these Countries are part of the *Pyrenees*; and if the *Spaniards* will not be convinc'd, their Armies are ready to prove the Assertion; and then by the help of a few Dependencies, they will easily carry a Frontier as far as the Plain, which is the thing they pretend.

What the French mean by the Pyrenees.

In this manner the *French* cover their Designs; but the Veil is so thin, that if Men look near, they will soon see thro it. If they come to be Masters of *Biscay* by the means of *Guipuscoa*, and post themselves near *Vitoria* by the Extensions I have mention'd, what should hinder them from advancing to *Madrid*? *Catalonia* is open, and *Navarre* defended only by the Citadel of *Pampelona*. The execution of this Design is not difficult; for the *French* have never made a question of finding Forces sufficient to conquer *Spain*, but of subsisting those Forces in their long Marches, thro Countries half deserted, and without any Communication of Rivers: And against this they will be able to provide, by being Masters of both Seas, and of all the Passes of the Frontier. Therefore if they have never doubted of this Conquest, except for the Reasons before-mention'd, what can stand in their way when those Reasons cease, and *Spain* is depriv'd of all Assistance from abroad, and attack'd both by Sea and Land, which ought to be well consider'd by that Nation?

But the Conquest of the Continents of *Spain* and *Italy*, is not all the Advantage which *France* expects from her Lot. This Conquest may be thought remote, and as such, not much to concern the two Maritime Powers: But there is another that touches them in a particular manner, which is, that this Lot makes the *French* absolute Masters of the *Mediterranean*, and consequently of all the Trade to the *Levant*, which will contribute no less to increase their Power, than the Addition of so many Dominions. I have already shew'd, how easily they will possess themselves of the Ports of *Spain*; so that we are now only to consider if there are any belonging to that part of *Italy*, which is not comprehended in their Lot, that will be capable of putting a stop to their Power.

Naples and Sicily put the French into full Possession of the Levant Trade.

The principal of these Ports are *Genoa* and *Leghorn*. Now I ask, whether those to whom they belong, either can, or dare resist the *French*, when the rest is under their Dependance, or upon the point of being so? But 'tis no way necessary they should be Masters of all the Ports of *Spain* and *Italy*. On the contrary, they would be burdensom to them, by the Expence of new Fortifications, and numerous Garrisons. 'Tis sufficient to be Masters of that Sea, in order to accomplish their Designs: for by taking either *Ceuta* or *Tangier* from the *Moors*, which lie at the Mouth of the Straits, and keeping there a good Squadron of Ships and Gallies, they will easily be able to shut up that Passage from any other Nation. But grant that the Fleet of some other Nation should force this Passage, either by the Advantage of a Wind, or by Surprise, what security would they find in the Ports of *Spain* and *Italy*, where the Fleets of *France* may attack them at all times? Or what shelter against the Violence of a Storm? I do not aggravate the thing; for 'tis well known the *French* have been superior on that Sea, ever since they have apply'd themselves to Maritime Affairs, in which they are now arriv'd to that Perfection, as to be able to dispute the Empire of the Ocean with the two Maritime Powers, who were formerly in undisputed Possession: And therefore 'tis easy to determine what will be the Event, when they have increas'd their Naval Power to a third part more than it is, by the Addition of *Naples* and *Sicily*.

Principal Ports of the Levant Trade can't resist France.

Let no Man think to object, that *Spain* will have Ships, as well as *France*, and that those of the Maritime Powers will not fail to assist her upon Occasion, from a Knowledge of their own Interest: for we are but too well inform'd of the miserable Condition of the *Spanish* Fleets; since whenever the present King resolv'd to arm by Sea, he has been necessitated to buy Ships in *Holland*, and to raise the greatest part of the Mariners in his Dominions of *Italy* and *Biscay*, which are now to be torn from *Spain*. But suppose the *Spaniards* able to fit out a considerable Fleet, would

Spain unable to oppose the French by Sea.

would not the *French* destroy it in a little time, not only by exceeding them in number, but also because that of *Spain* will always be inferior in Experience, Discipline, and Oeconomy? And as to the Assistance to be expected from the Maritime Powers, the last War is sufficient proof, how little can be rely'd upon in a pressing Necessity; for of what use were the united Squadrons of *England* and *Holland*, that came and posted themselves at *Cadiz*? They possibly might prevent some great Disaster, but could not preserve the *Spaniards* from suffering many Losses by the *French*.

England
& Holland
in a manner
useless to
the Spani-
ards by Sea.

Whilst these Squadrons were sitting out, and in their Passage, the *French* had already executed their Designs. And if they were found to be superior in Force, that of *France* retir'd into Harbour: But if their Strength was equal, both sides put out to Sea, and endeavouring to get the Wind, and other Advantages of their respective Enemies, spent the Summer in a pickeering War, when the *French* had no more to do than to make for their own Ports; whereas the Confederates were either forc'd to winter at *Cadiz*, with great Loss of Men, that perish'd by the change of Air and Diet, and a prodigious expence of Treasure; or to return home thro all the Dangers of the *Biscayan* Sea, and perhaps a *French* Fleet, well mann'd, and fresh, attending them in their Passage. Now if this foreign Aid was so useless to *Spain* at a time when all her Ports, and those of *Italy* were open to them; what a Change will there be, when none but the first are remaining, and those too in the utmost danger from *France*?

France, if
Master of
the Medi-
terranean,
will not
share the
Levant
Trade with
any.

If the *French* once come to be absolute Masters of the *Mediterranean*, as will infallibly happen if the Treaty produce its Effect, 'tis certain they will suffer no Nation to share with them in the *Levant* Trade, which they esteem to be the best and most useful in many respects. They had a great share in this Commerce, before they were so powerful at Sea, notwithstanding all the Endeavours of the *English* and *Dutch* to exclude them; from whence we may conclude they will suffer no Competitors, when none will be able to contend. The situation of *France*, the conveniency of its Ports, and Industry of the People, have given them more Advantages in this Trade than any other Nation: for being near at hand, they have been able to perform their Voyages in half the time, and consequently with half the Expence, which has enabl'd them to sell the Produce of their Goods much cheaper; whereas other trading Nations have double the way to make: and as they are expos'd to greater Dangers, stand oblig'd to increase their Ship's Company, and frequently to guard them with Convoys, which very much diminishes the Profit.

But let it be granted, that *France*, out of her especial Grace and Favor to the Maritime Powers, as well as to keep fair with them in the Ocean, will suffer their trading Ships to pass thro the *Straits*; they must expect to be expos'd to Searches and Confiscations, under pretence of contraband Goods, and to pay Toll for going in and out, with a thousand other Impositions, which the *French* know how to use, as well with their own Subjects, as with Foreigners. In the next place, their principal Trade consisting in the Manufactures of Wool and Silk, 'tis not enough consider'd, how many ways the *French* will find to render them of little or no Advantage. *Italy* neither can, nor dare furnish them with Silk, if the *French* will have it, in order to be manufactur'd in *France*; and to bring it from the *Levant* will not only be chargeable, but dangerous; which with the Toll that must be paid, will render all their Silk Manufactures unprofitable, whereas those of *France* will be much cheaper, and consequently sell better. Then as to the Manufactures of Wool, I ask, who can hinder the *French* from appropriating to themselves all the Wools of *Spain*, which are absolutely necessary to the making of the finest Cloth; the Ports of that Kingdom being at their Discretion, that it may be already in their Hands? Besides, to what Market shall the Cloth that is made be sent? There will be great Danger, and little Profit in the *Levant*: The *French* will forbid them in all their Dominions, and the rest of *Europe*, already accusom'd to take the Silk Manufactures of that Kingdom, will soon accusom themselves to buy their Cloth also.

Trade in
the Ocean
will not
make a-
mends for
the loss of
the Levant
Trade.

If any should object, That tho the *English* and *Dutch* Trade to the *Levant* should fail, that of the Ocean, where they are the strongest, would make amends; that there is business enough in the *West-Indies* to imploy their Shipping; and that if they remain united, they may exclude the *French* from those parts of the World. I answer, first we are to know, whether those Nations design to trade under the Dependance of *Spain*, by loading their Effects on board the Galleons, as formerly, or wholly independent. In the first Case, 'tis certain that *France* alone, having

more Goods proper for that Trade than both those Nations, and being able to sell cheaper, will have the greatest Profit. And, which is yet more, if that Crown will demand of *Spain* the sole Liberty of that Trade, they will find no difficulty to exclude the other two. For when the *French* shall attain to that degree of Power, to which the Treaty of Partition, or, if this fail, the Admission of a *French* Prince into the Throne of *Spain*, must necessarily raise them, they will govern the Springs of that Monarchy as they please, because they will be their only Support and Defence. So that if they think fit that the *Spaniards* shall continue to bring the Riches of *America* for the Use of *France*, they will oblige them to exclude all others: and then 'twill be their part to take care to secure the Gallies from the Danger of any other Power; to effect which, the increase of their Strength at Sea, by the Union of *Naples*, *Sicily* and *Biscay*, to that Crown, will very much contribute. At this rate they will be able to manage *Spain*, and undertake the Defence of their Possessions in *America*, in expectation of a proper Conjunction to unite the whole Monarchy to the Crown of *France*.

But if these Powers pretend to trade to those Parts, in a manner wholly independent, they will have for their Enemies, not only *Spain* and *France*, but even the Natives of those vast Countrys; who being all Catholics, and perhaps more zealous than those of *Europe*, will always be most inclin'd to those of their own Religion. They may indeed make a Pyraty War, seize Places and establish Colonies, but none of these will be safe nor lasting, as the late Enterprize upon *Darien* has sufficiently prov'd. Yet possibly they may have some Advantages in the *East-Indies*, where the *Dutch* are powerful, which may not be disputed at first. But the Difficulty will lie in securing themselves in time of War; and they may justly fear, that the *French* may without leaving their own Coast, take from them that which they shall, with so much Hazard, Pains and Expence, have brought thither. And this, by reason of the apparent Advantages they have over these two Nations, both by their Situation, and the Commodiousness of their Ports upon the Ocean. For their Ships must of necessity pass along by the Coasts of *France*, before they can arrive in their own Ports; and the *French* can put to Sea almost with any Wind. So that they may without difficulty waylay and surprize them in their Passage, as they return from the *Indies* with their Lading. They will either be constantly inform'd, by corresponding every where, of the times of their Departure; or seldom fail in their Conjectures, by knowing the Seasons, and the rising of the Trading Winds. They will guess, by computing the Passage, how far their Ships may probably have reach'd; and then, taking their time to cruize upon them, they will sooner have made a Seizure, than the *English* themselves, who yet are nearest, will be in a Condition to protect them: Especially because so many different Winds are absolutely necessary to carry out their Ships, as well clear of their Ports as of the Channel. 'Twas chiefly by these Advantages, that the *French* took so many Prizes from the two Nations in the last War; and they will be always in a Condition to do the same, whenever they resolve to make a Pyraty War by Sea.

England, &c. cannot have an independent Trade with the West-Indies.

I come now to the last Condition of the Treaty; which gives the Dutchy of *Milan* to the Duke of *Lorain*, in exchange of his own Dominions. We are to suppose, that the *French*, who know their own Interest, and stop at nothing which tends to that end, were mov'd by very powerful Reasons, to prefer those Dominions, before a Dutchy they have taken so much pains to obtain formerly. I have already said, that we are not to think any otherwise of the Dutchy of *Milan*, than of a thing deposited in the Hands of the Duke of *Lorain*, in order to resume it at pleasure; and that the *French* have, for this purpose, reserv'd to themselves the Marquisate of *Final*. Let us see what may be more in this Project.

Advantages of France in the Acquisition of *Lorain*.

That *Lorain* is of great use to the *French*, in the Design they have long since laid, of carrying their Frontier to the *Rhine*, has been sufficiently seen, in the great Advantages they have receiv'd by that Country, all the time of their Usurpation.

1. The Union of *Lorain* with *France*, advances their Frontier forty Leagues into the Empire; for so many there are from the Extremity of the Dutchy of *Bar*, to the City of *Strasburg*; makes them Masters of all the Country between the *Queitsch*, the *Saar*, and the *Moselle*; opens a way into the *Palatinate*, and into the Territories of *Mentz* and *Trier*.

It enlarges their Frontier into the Empire.

2. This Dutchy secures the Communication of *France* with the County of *Burgundy*, and the two *Alsatia's*; is situated at the Head of the *Moselle*, and the *Meuse*, and therefore cannot but be extremely commodious as well to preserve their old Conquests as to make new. Here they may assemble their Forces, to distribute them in every part, make Provision of Corn to fill their Magazines in *Alsatia*, and keep

keep

keep an Army in Winter-quarters, to be ready to act upon the *Rhine*, before their Enemies can take the Field. 'Tis hard to imagine greater Advantages than these; and if we add to all, that out of this Country twenty five thousand Men are rais'd and paid, we shall find that the *French* have reason, in this Conjunction, to prefer the Possession of it before the Dutchy of *Milan*. Besides, if they had pretended this, in conjunction with the Kingdoms of *Naples* and *Sicily*, they would not only have driven the Princes and States of *Italy* to despair, but alarm'd the whole Body of the *Switzers*, with whom they will always keep fair, till they have lock't them in on all sides. Thus keeping a steady Eye upon their Ends, they affect a little Moderation on one side, and know how to make themselves amends with Interest on the other.

D. of Lorain better-
ed by the
Exchange.

'Tis true, the Condition of the Duke of *Lorain* seems to be made better by the Exchange; as well in Revenue, which will be much greater, as because he will have *Savoy* and *Piedmont* for his Outworks, against the Insults of *France*. But who can tell, whether the *French* King, when he is in full possession of his Lot, will not challenge the State of *Milan* for himself, if the Partition take effect, or for the young Prince, that may be call'd to the Succession of *Spain*? He seiz'd *Lorain*, because 'twas serviceable to his designs against the Empire. He will now have it again, by means of the State of *Milan*, which in this conjuncture is of less Importance, and serves to dissipate the Jealousies I have mention'd: When this Design is accomplish'd, and the Kingdoms of *Naples* and *Sicily* in his own Hands, or else at his Disposal, under the Name of one of his Grandsons, call'd to the Crown of *Spain*, he will not fail to resume the Dutchy of *Milan*, to establish his Authority in *Lombardy*: and by the same Law he now transplants the Duke of *Lorain* thither, he may transplant him again into some other Dominions more remote, which by that time he may have usurp'd: or perhaps by a particular favour will send him back to *Lorain*, where he will not fail to keep him safe; leave him the Name of Duke in Formality, and reserve the Sovereignty to himself. 'Tis impossible to judg what Men will do, except only by what they have done; *France* will always have the same Genius, the same Conduct, the same Ambition.

The Treasurers could
not dispose
of Lorain,
without the
Consent of
the Empe-
ror and
Empire;

In the last place, we are to inquire, whether the Treasurers could stipulate these Exchanges, without the Consent of the Emperor, and Empire, who were not consulted in the Matter. *Lorain* is under the Protection of the Empire; possesses divers Lands in Fee from the Empire, and acknowledges its Majesty in three essential Points, which are, the Right of safe Conduct; the Common Peace; and Contributions, in case of publick Necessity, or a War against the *Turk*, one third part only less than an Elector. Now as it is not the Interest of the Empire, that *France*, which is already so formidable, and upon the point of becoming much more so, should possess these Dominions, which serve for an Outwall to cover it; and that *Strasburg* was yielded to the *French*, by a kind of Equivalent, for the Restitution of *Lorain*; 'tis not to be presum'd, that the Empire should consent to this Alienation: Especially considering, that the *French* do in this openly violate the Treaty of *Reswick*, what Protestation soever they make in the beginning of the Partition-Treaty to observe it inviolably.

Much less
of Milan.

What I have said concerning *Lorain*, is yet of greater force in respect to *Milan*, which is a Fee of the Empire; settl'd by the Emperor *Charles V.* upon his Son *Philip II.* to be enjoy'd by him and his; and not to serve for Sport, to *France* and her Allies. Besides, upon failure of the Male Line, Daughters having a Right to a certain degree, 'tis apparent that if the Catholick King die without Children, this Fee will devolve upon the Emperor, as well by the Right of Representation, deriv'd from the Empress *Mary*, his Mother, Daughter to *Philip III.* and Sister to Queen *Ann* of *Austria*, who did renounce; as by Subrogation to the Right of the Empress *Margaret*, his first Wife, who was Sister to Q. *Maria Theresa*, that did likewise renounce. To which ought to be added, that, as Emperor, he is under an Obligation to prevent this important Fee from falling into the Hands of *France*, or of any Prince in her Interests. Since then the Right will be in the Emperor, 'tis presum'd, he will dispose of that Dutchy in favour of the Arch-Duke *Charles* his second Son, whether he be call'd to the Crown of *Spain*, or not. The Interest of all *Italy*, and of the whole *Helvetian* Body demands this; which is so visible, that to give any proof, were to light a Candle to the Sun.

A. Duke's
Lot vastly
dispropor-
tionate to
the French.

Having already shew'd the principal Advantages of the *French* Lot, 'twould be useless to enlarge upon that of the Arch-Duke, since the disproportion is so apparent, and the Treasurers themselves were so much afraid of the Comparison, that
after

after they had nam'd *Spain*, they left the rest to conjecture, comprehending all under the general Terms, of *Kingdoms, Islands, States, Countries, and Places possess'd at present by the Catholick King, as well without as within Europe*, which are not in the Lot of *France*. But 'tis impossible to mistake, if Men will be pleas'd to make a little Reflection: *Spain* dismember'd; the poor remains of the *Low-Countries*, without defence, and altogether unprovided; *Sardegna* without hopes of Assistance from *Italy*; *America* expos'd to the Insults of all Nations, that have a Sea-force; and what the *Spaniards* possess in the *East-Indies*, at the Discretion of the *Dutch*. These scatter'd Pieces, in the State they are, cannot possibly be long in the possession of an Arch-Duke: and to this Condition the *French* resolv'd to reduce *Spain*, either that they might accomplish their Conquest upon the first War, or compel the Nation to accept one of their Princes, to the exclusion of the Emperor and his Right.

That this was the Intention of the *French* Court, is but too manifest by their whole Conduct, and the means they have us'd ever since the Treaty of *Reswick*, to fix the necessity of this Alternative. That Peace serv'd to disarm and divide their Enemies; that Disarming and Division produc'd the Treaty of Partition, and this Treaty finish'd the Work, and brought the *Spaniards* to despair, when they saw themselves not only abandon'd, but sacrific'd to *France*, by the Maritime Powers; and all this attended with the Terror of a *French* Invasion, which they were no way able to resist. Thus forcing one Party by the other, the *French* secur'd to themselves the Liberty of chusing; with this additional Advantage, that, when the Emperor should refuse the Treaty, which they knew he would, for the Reasons before mention'd, they might be furnish'd with a Pretext to excuse themselves in not adhering to the Partition, if *Spain* should call one of their Princes to the Crown. But if this should happen, what would *R — G —* and the *Dutch* say, who have not only given occasion to the Treaty, but, in that case, have been gull'd by *France*? I doubt not, the *French* will presently come with Protestations of the utmost Sincerity, and specious Offers, to calm their Resentment, and dissipate their just Suspicions. For they must have time to fix themselves in *Spain*; to bring the Government either by force or fraud, into their Interests, and to break the Measures of the Emperor, if he pretend to sustain his Right by Arms; and to gain this time, they will not fail to use their greatest Art. As to what relates to *Spain*, they are thoroughly prepar'd; their Forces are already upon the Frontiers; their Fleets in a Posture, to alarm the Coasts both of that Kingdom and of *Italy*, upon the first Orders; and which is more, a great Party about the Catholick King, to influence him, to make a Will in their Favor. And if we add to all this, the ill State of the *Spanish* Frontiers, the Disorder and Confusion of the Government, and dispirited Condition of the Nation, and the general Desolation of the Kingdom, we have great Reason to believe, they will do what they please in little time. And then, let all Men judg what will be the Fate of the rest of *Europe*, especially of those, who by their Situation are most expos'd to their Invasions, as the Empire, the two Maritime Powers, the *Switzers*, and the Principalities of *Italy*.

And, because the Relapse of the Catholick King, which happen'd the 21st of *October*, may probably carry him to the Grave, and open the dark Intrigue of that grand Scene, to which the Treaty of Partition was a Prelude, I think my self oblig'd to stop here, and rest satisfy'd, that I have prov'd the enormous Injustice, and pernicious Consequences of dismembring the *Spanish* Monarchy: for all Men will see, that if the Ballance of the two Crowns, so necessary to *Europe*, be for ever broken by the Partition, the Reason will be yet stronger, if a Son of *France* should intrude into the Throne, as we are threaten'd; because in that case, *France* would attain to such a degree of Power, as would enable her to inflave all *Europe*. And if any doubt remains to be resolv'd touching this last point, I may do it hereafter; tho I cannot persuade my self, that the *Spaniards* should ever be so ill advis'd, or so base, as to enter into this Project. Besides, 'tis not in their Power to exclude the Emperor, who is call'd to the Succession by all kind of Rights and Settlements, as they themselves have maintain'd, with so much Reason, against the *French*. On the other hand, the Constancy of his Imperial Majesty, in refusing to accept the Treaty of Partition, notwithstanding all the Sollicitations and Menaces of the Treators, ought to be a sufficient Evidence, without the Decision of a *Solomon*, that the Crown belongs to him, as the true Father, and Guardian of the People.

Printed in
1701.

An Essay upon the Present Interest of England.

To which are added, The Proceedings of the House of Commons in 1677. upon the French King's Progress in Flanders.

Nulla est acerbitas, quæ non omnibus hac Orbis terrarum perturbatione, impendere videatur. Cic. Epist. Famil.

K. of Spain's
Death a-
larm'd
Christen-
dom.

THE Peace of *Reswick* had scarce compos'd the Differences of Christendom, when the King of *Spain's* Sickness, who is at length dead without issue, alarm'd it afresh. The uncertainty of who shou'd succeed to the vast Dominions he was Master of, some of which furnish all this part of the World with Gold and Silver, cou'd not but give great Concern to all his neighbouring States and Princes.

Competi-
tors for his
Dominions.

The known Competitors for this great Inheritance were, the present Emperor, the Dauphin, and the Pr. Electoral of *Bavaria*. The former is by all own'd to be the next Heir Male of the House of *Austria*, which has reign'd in *Spain* near two Ages, and wou'd be allow'd, even by the French, to have an unquestionable Title, if the Salique Law, which excludes Females from the Government, were of Force in *Spain* as it is in *France*. But that wise Constitution in the French Government prevails not amongst its Neighbours, who will blindly persevere to give *France* the same Advantage over them, which the Church enjoys over the Laity in Popish Countries, viz. That it may ever be acquiring, and can never alienate. The Defect of it in *Spain*, will, I fear, cost Christendom very dear at this Conjunction, since it opens a Door to the French Pretensions; it being well known, that the Dauphin's Claim was by his Mother, who was Daughter to *Philip IV.* Sister to the deceas'd King, and marry'd to the present King of *France* immediately after the *Pyrenean* Treaty; by which Treaty, most solemnly sworn to by both Kings, the Spaniards thought they had sufficiently secur'd themselves from the French Domination: And indeed so they had, if Oaths or Treaties, hitherto accounted the most sacred Ties that God cou'd enjoin, or Mankind cou'd devise, were of any Force. For 'tis notorious, that *Lewis XIV.* and his Queen, did, upon their Marriage, in the most solemn manner, renounce all Pretensions that might accrue by it to them and their Children upon the Spanish Dominions. And 'tis as notorious, that the same *Lewis XIV.* did within these two Years, order the Count d' *Harcourt*, his Ambassador at *Madrid*, to assert the Right of his Son the Dauphin to the Spanish Succession. The occasion for his so doing was, that the King of *Spain* had made a Will, declaring the Prince Electoral of *Bavaria*, the Third Pretender I mention'd, Successor to the whole Monarchy.

Fr. Embas-
sador at
Madrid as-
serted the
Dauphin's
Right to
Spain.

The French Ambassador obey'd his Orders, and gave in a Memorial, complaining of it as Injustice done to the Dauphin, whom he asserted to have an undoubted

Right

Right to succeed to that Crown. The Memorial I mention the rather, because it shews what a Deference his most Christian Majesty had at that time for the King of Spain's Will. The young Prince dy'd soon after, which put a stop to the French Instances, otherwise the Peace of *Europe* might have been disturb'd before the Spanish Throne had been vacant. His Death left the Competition between the Houses of *Austria* and *Bourbon*, and all the Potentates of Christendom full of Care for this great Decision. The boundless Ambition of the French King, who has been long observ'd to aim at Universal Monarchy, gave the World reason to fear that he would attempt the Union of both Monarchies, which, it compar'd, would make it very easy to execute the remaining part of his vast Projects. His Power so lately felt in a ten Years War, wag'd against a Confederacy of the most powerful States of *Europe*, made it evident, that the Emperor alone would not be able to defeat his Enterprize; especially if we consider the Advantages the Situation of *France* gives him over his Competitor, whose Territories are not immediately contiguous to any part of the Spanish Dominions: whereas *France* is not only contiguous to *Spain*, but separates it from the rest of the World, with no part of which, except *Portugal*, it can have any Commerce otherwise than by Sea; but the Emperor has not a Seaport, nor a Ship in the World, and must therefore be beholden to others whenever he will attempt any thing upon *Spain*. Those others could be only the English or Dutch, they alone being able to cope with *France* at Sea; so those two Nations seem'd to be under a necessary Dilemma whenever the King of *Spain* should die, either to sit still and see the French quietly take possession of *Spain* and the *West-Indies*, or to renew an expensive and hazardous War, unless some Expedient were found out before the Case happen'd, to satisfy the Pretenders in such a manner as should be least prejudicial to ours and the Dutch Interest. Such an Expedient the Treaty of Partition was thought to be, and as such agreed to by *France*, the King of *England*, and the Dutch. The Advantages which redounded to the French by this Treaty, which annexed to their Crown the Kingdoms of *Naples* and *Sicily*, with the Provinces of *Lorain* and *Guipuscoa*, besides some Sea-port Towns in *Italy*, made it reasonable to believe they would have stuck to it, rather than have ventur'd to draw on themselves another general War.

The King, who had the Interest of *England* and *Holland* to manage on this Occasion, was unwilling to engage 'em in a new War, which they would have been neither over-willing, or able to sustain, if the King of *Spain* had dy'd soon after the Peace; and therefore thought it most advisable to yield up to *France* such Provinces of the Spanish Dominion as would be least prejudicial to these Nations: And such 'tis evident those above-nam'd are, which if any one doubt, let him but consider whether the single Town of *Cadiz* in French Hands, would not prove more destructive to us than all we have nam'd; to say nothing of *Flanders* or the *West-Indies*; all which, with the Body of *Spain*, could have been secur'd to the House of *Austria* no other way than by a War, or such a Treaty.

I am not ignorant that many Objections have been made against it, to answer all which were a proper Task for one thoroughly acquainted with all the Steps and Transactions of that Negotiation, which I profess I am not; and I shall therefore in vindication of it, only repeat that it was design'd and calculated purely to preserve the Peace of these Countrys: which single Argument ought surely to reconcile to it all those who were weary of the last War, who complain'd of the heavy Taxes it occasion'd, and of the great Debt it hath left the Nation loaded with, and who out of their great tenderness to *England*, opposing all such equal and easy Methods of raising Money as would have kept us out of Debt, took care the War should be felt, lest, said they, the King, whose Ambition and Delight was to head Armys, might by the Ease he should find in paying them, be tempted to perpetuate the War.

If then the Necessity of our Affairs, flowing from the mistaken Measures they took in furnishing Supplies to his Majesty upon Land-banks, and other deficient Funds, forced him to make a Peace, which by this Treaty he has endeavour'd to perpetuate, will they find Faults, and complain of the Moderation of a Prince, who has done Violence to his own Martial Inclinations for the Ease of his People? Or are the Gentlemen I speak of on a sudden become such Champions for the Honor of *England*, and the Interest of *Europe*, as to object, that the Continuation of a Peace should not have been purchas'd at so inglorious a Rate, as by giving up to *France*, *Naples*, *Sicily*, &c. whereby the Ballance of *Europe* would be greatly endanger'd, which 'tis our chief Interest to support? If so, I heartily congratulate

Why King William engag'd in the Treaty of Partition.

To preserve the Peace of these Countrys.

with them their new magnanimous Resolutions, which they may soon have an occasion to exert; the Treaty of Partition being now quite out of doors, and the Ballance of *Europe* in far greater Danger by the Duke of *Anjou's* Accession to the Crown of *Spain*.

Our Danger
now a Con-
sequence of
the Treaty.

But 'tis objected, that the Danger we are now in is a Consequence of the Treaty, which compell'd the King of *Spain* to make a Will in favour of *France*. Now granting this to be true, I appeal to any reasonable Man, whether he ought from thence to infer, that we shou'd sit still and suffer *France* quietly to reap the Fruit of its Perfidiousness. Does not Experience teach us, that Measures concerted with the greatest Prudence, at least with the best Intentions, do often fail of Success? Or shall the Falshood of our Enemies, which has defeated the End of a well-meant Treaty, furnish us with an Argument to neglect our own Safety? I hope no *Englishman* will reason so extravagantly, nor be so blind as to revenge upon himself and his Country a suppos'd Mismanagement of the Court; Were it not far better, if on all sides waving an invidious retrospection of past Miscarriages, we consulted with as much Unanimity, as our common Danger requires, what Measures are to be taken for our future Security?

Our Trade,
Liberty,
&c. in the
greatest
Danger.

That we are in the greatest Danger of losing our Trade, our Liberty, and our Religion, will hardly be deny'd by any Man who will seriously reflect on the Consequences likely to attend the present Union of *France* and *Spain*, unless he can suppose the *French* King's Ambition satiated with this great Success; and that as his Power to do mischief shall increase, his ill Will to us, and his Hatred to our Religion, shall be lessen'd. Or will it be said, to remove our Fears, that he shall have no Influence on the *Spanish* Counsels, that the Interest of *France* and *Spain* will remain distinct, and that the new King, forgetting his Country, his Obligations to his Grandfather, nay, and his own Interest (for Kings and their People may sometimes have different Interests) shall become a perfect *Spaniard*, and cultivate the old Alliances of his Crown? Will the Examples of the Dukes of *Burgundy* formerly, and of the Dukes of *Holstein*, who prov'd the most bitter Enemies to the Houses of *France* and *Denmark*, of which they were descended, be alleg'd as Proofs that Brothers and Kinsmen, when Princes, do not agree better than mere Strangers? This Argument I own may be of force to prove, that hereafter the *French* and *Spanish* Branches of the House of *Bourbon*, if they continue separated, may have Quarrels and bloody Wars. Nay 'tis very likely that the Descendants of the Duke of *Burgundy* (if he have any) may, after their Grandfather's Example, protest against the Validity of his Renunciation to the Duke of *Anjou*: But 'tis our Misfortune that ten years good Agreement between the Grandfather and Grandson may do our business, and that the Differences which may fall out afterwards between the two Branches of the House of *Bourbon*, will come too late to retrieve our lost Religion and Liberty.

D. of Anjou
will have
the greatest
Deference
for his Be-
nefactor.

It behoves us therefore chiefly to take care for the present, and to consider whether it be not most likely that Nature and Education, back'd with the strongest Ties imaginable of Gratitude to a Grandfather, who has not stuck at violating two most solemn Treaties, viz. the *Pyrenean*, and that of *Partition*, and hazarding a War, which may prove the Ruin of his own Country, and to a Father who has renounc'd his own Right to aggrandize this new King, will not incline him to have the utmost Deference for his Benefactors. Or shou'd we suppose him so very a King as not to be act'd by any Principles of Nature or Gratitude; we must believe him also very blind to his own Interest, if he does not see that he will for a considerable time stand in need of his Grandfather's Aid and Protection, to secure both himself and his new Dominion against foreign Enemies, and those intestine Disturbances which generally attend Changes of Governments in all Countries. The fear of the *French* Arms induc'd the late King's Council to dictate a Will in favour of a *Frenchman*, and has compell'd the *Spaniards* to acquiesce in it, and so consequently gives to the Duke of *Anjou's* Title all the Strength it has: Let that Fear be once remov'd, and 'twill be impossible for him to defend *Milan* and *Llanders* against the Emperor, or even the Body of *Spain*, in the condition 'tis now, against the *Portuguese*.

And can't
depart from
the *French*
Protection
without
manifest
Ruin.

Which makes it evident, that he cannot depart from the Protection of *France*, without pulling on himself manifest Ruin. And the Continuation of that Protection he will certainly enjoy no longer, than while he deserves it, by the most absolute Compliance with the Directions he shall receive from thence. If he prove an undutiful Child and be refractory, will it not furnish the Dauphin with a Pretence to

to assert his own Title, and invade *Spain* with the whole Power of *France*, while the Emperor endeavours to lop off some Limb?

Would he not besides cut himself off from all hopes of succeeding to the Crown of *France*, the prospect of which is not so remote, as not to deserve his Consideration? The Duke of *Burgundy* has no Children, and 'tis generally thought in *France* that he will have none: till he has a Son, I am sure 'tis the present King of *Spain's* Interest to be a *Frenchman*, and most dutiful to his Grandfather and Father, especially since Kings are allow'd to have a Power of disposing of their Crowns by Will; and consequently, that upon any Dispute given his Parents, his younger Brother the Duke of *Berry* might be declar'd Heir to the Crown of *France* to his prejudice, as he has been to that of *Spain* to his Father's and elder Brother's.

It would be a Wrong offer'd to the Judgment of any impartial Reader, if I should further insist on this Argument, which but too plainly at first sight evinces the Truth of what I would assert, to wit, That the Duke of *Anjou* will enjoy a Kingship for some time purely Titular, and be in effect no more than a crown'd Viceroy to his Grandfather.

Yet if any Man require a stronger Proof of what I here advance, I send him to the *French* King for Conviction; his Preference of the Will to the Treaty of Partition resolves the Question: For since 'tis well known that the strongest Lust of old Tyrants is to extend their Despotick Empire, and that notwithstanding he has disdain'd to accept of Kingdoms, which, by adhering to the Treaty, he might have annex'd to his Crown; can we suppose that he had less Prospect in view, than at present to govern the whole Monarchy of *Spain*, and of taking such Measures as shall hereafter annex that Empire to his own, or at least the most considerable Members of it?

Now if it be granted that he has obtain'd that End, as it must necessarily be, if *England*, by acquiescing to the Will, abandons her Allies, and suffers the new Domination of *France* to take root; let us impartially consider whether, after such an Accession of Power to a Prince, already too formidable, the Loss of our Religion, Liberty and Trade, as I have already said, does not seem inevitable.

That it is the Interest and Desire of the *French* to destroy both the *Dutch* and us, will easily be allow'd; since 'tis we who, for a long time, have check'd their Pride, and disappointed their ambitious Designs. Our Maritime Power is terrible to her, nor will she readily forget the Affront receiv'd at *la Hogue*: besides, that King's Affection to be the Champion of Popery, and his Usage of our Protestant Brethren in his Dominions, tell us sufficiently what we are to expect from him.

The same superstitious Principle will not fail to make the *Spaniards* concur cheerfully with any Measures he shall propose to ruin our Trade, which, being the great Source of our Wealth, is consequently the greatest Support to the Protestant Religion, so much abhor'd by them. And what Opportunities they have of doing it, is but too obvious to any Man that knows what a vast Coast they possess in both Worlds; to say nothing of the *Straits-mouth*, which, with the help of a *French* Fleet, they command absolutely.

Nor is there any thing to hinder the *French* from monopolizing the Wool of *Spain*, which wou'd at once destroy our fine Drapery, which perhaps is the only considerable Manufacture in which we have no dangerous Rival. What Proportion this Part of it bears to the Whole, I cannot determine; but certainly it is very considerable, since besides the vast Quantities of it exported to *Turky* and *Persia*, we vent considerably of it every year to *Hamburg*, *Holland*, &c. whereas we shall then be oblig'd to supply our selves with it from *France* for our own Consumption.

Besides, can we doubt that whenever the *French* shall desire it, the *Spaniards* will clog our Trade to *Spain* with such exorbitant Duties, and give us such other Trouble and Vexations, that we shall be oblig'd to quit that gainful Commerce, which will be ingross'd by *France*, where all the Money that comes from *America* will then center, in return for the Linen and Woollen Manufactures it will be able to supply their *Indies* and *Spain* withal? What if besides these Advantages, all the *French* Subjects shall be naturaliz'd *Spaniards*, and as such, have liberty to trade freely from *France* to the *West-Indies*? Is it not evident that this single Privilege will enable them to undersell us, tho we should be allow'd to trade on our old foot to *Cadiz*, and that consequently 'twill carry all the Treasure of the New World to *France*? Or can we promise our selves the continuance of that most beneficial Trade carry'd on of late Years by Connivance from *Jamaica*, directly to the Continent of

their *America*? Can we, I say, promise our selves any Indulgences of that kind from the *French* and *Spaniards*, who will be Governors in all their Ports?

Peace now
will hurt
us more
than a War.

I might dwell much longer on this Subject; but after what has been hinted, I appeal to any reasonable Man, whether 'twill not be in the Power of the *French King* to impoverish us more by a Ten Years Peace, as things now stand, than 'tis probable a War of the same continuance would do.

When this Mischief is felt, 'twill be in vain for us to repent our mistaken Measures, in having prefer'd an ignominious and destructive Peace, to a War, which might have been made with Advantage, Safety and Glory. And if we shall then attempt a War against an Enemy, whose Wealth will be increas'd in the same, or a greater Proportion than both ours and the *Dutch* will be lessen'd, 'twill be too late; since we shall be destitute of those Allies we first deserted, and shall have suffer'd such a Diminution of our Power at home, that 'twill then be Madness to provoke an Enemy so much above our Strength. But there is no fear of our being guilty of such Rashness, we shall then have learn'd humbler Thoughts, and think our selves happy, if that invincible Monarch will allow us peaceably to enjoy the Product of our own Island. But even that will in all probability be deny'd us, and the continuance of that inglorious Peace, which many are now so fond of, must be purchas'd at the expence of our Religion and Liberty.

The abdicated Prince will be impos'd upon us; and if we are stubborn, we shall be us'd as Traitors to God, and our lawful King.

Fr. King
will induce
us to im-
pose on us
the abdic-
ated Family.

That the *French King* will attempt to re-establish that Family, will easily be agreed to, if we consider, that nothing can be imagin'd so agreeable to his Interest, his Resentment, his Ambition, and his blind Zeal for Popery. To his Interest, by humbling a free and powerful State, the Liberty and flourishing Condition of which must be great Eye-sores to a Tyrant who would have all People as miserable as his own Subjects, that they may more easily endure their Slavery. To his Resentment and Interest, by revenging himself upon those who have prov'd the main Obstacle to his long-courted Universal Monarchy, and who, till they shall be humbled, will continue to be so. His Ambition, 'tis well known, was never since his Reign so foil'd, as by his forc'd Compliance to own our present King, after a ten Years War to support King *James*, whose Interest he had so often publicly declar'd he would never abandon. And 'tis now the common Discourse in *France*, that nothing is wanting to compleat the Glory of *Lewis the Great*, and to raise his Name above *Charlemaign's*, but the Re-establishment of the King of *England*.

He will
have Infi-
gations
from Rome.

When therefore to these Considerations we add, that Intigations will not be wanting from *Rome* to prosecute so pious and religious a Work as the Reduction of *England* to the Catholick Faith (for that wise Court will not only find its Interest by our Conversion, but will secure the Peace of *Italy*, which is its great Aim, by procuring such a Diversion of the *French Arms*) when, I say, we consider all these Matters seriously, we must be very Scepticks, if we can doubt that such a Design will be set on foot, as soon as there shall be a Prospect of its being carry'd on successfully; that is, as soon as we, by acknowledging the new King of *Spain*, and by refusing to assist the Emperor in his just Pretensions to that Monarchy, shall have forc'd both him and the *Dutch* to make the best Terms with *France* for themselves, which, in their forsaken Condition, they can obtain. From that day will cease the Confidence so necessary to be kept up between us and our old Confederates; and we shall stand upon our single Bottom, expos'd to the joint Attempts of *France*, *Spain* and *Flanders*, nay perhaps of *Holland* too, if we by deserting them at this time shall either expose them to be conquer'd, or drive them to a necessity of securing themselves from that Ruin, by throwing themselves into the Protection of *France*. I ask any reasonable Man, whether it is probable that in such a Condition we can be thought able to withstand their joint Attempts, divided as we are at Home, and not so secure of the Affections of *Scotland* and *Ireland*, as were to be wish'd.

Whether
War or
Peace is at
this time
preferable.

So that in our present Case, I do not take the Question to be, Whether we shall have War or Peace? but, whether we shall with a good Grace, begin a just and honourable War with the Assistance of powerful Allies; or by declining it shamefully at present, be forc'd in a short time, for our own Defence, to make it with the utmost Disadvantage? Every honest *Englishman* will readily answer this Question when so stated; and conclude for War.

If it be objected, That the Question is not fairly stated, one of these three things must be urg'd against the foregoing Argument; either that *France* and *Spain* will

will not attack us, nor endeavour to re-establish King *James* and Popery.

Or Secondly, That if they should jointly attempt it, *England* alone would be able to defend it self against them.

Or Lastly, That tho they should attack us, we shall find Confederates able and willing to assist us.

As to the first Objection, viz. That *France* and *Spain* will not attempt us, I think enough has already been said to prove, that it is the Interest and Desire of *France*; it remains therefore only to consider, whether it be not most probable that *Spain* will concur to an Undertaking so meritorious, according to the bigotted Principles of that People, whose blind Zeal will, on such an occasion, be rous'd, and animated by all their Priests, and other Emissaries of the Court of *Rome*. Besides, let any Man reasonably shew how their present King and Ministry can deny to *France* this, or much more, if requir'd. It is by *France*, as we have already observ'd, that the Duke of *Anjou* must reign, his Ministry be supported, and their Monarchy be protect'd; all which will make their Dependence so absolute upon that Crown, that they dare refuse nothing: but 'tis needless by Argument to confirm Matter of Fact; they have already out-run our Fears and Jealousies, nay, even the Desires and Hopes of the *French* King, who has not at this time in *France* Vassals more servilely devoted to him, than the *Spanish* Council has shewn it self to be, by its late precipitate Measures.

France and Spain united will attempt to reduce us.

The *Spaniards* will moreover, by so doing, satisfy their Resentment conceiv'd against us, for having presum'd to divide their Monarchy; for with what Disdain and Indignation they receiv'd the Treaty of Partition, is apparent from the Measures they have taken to elude the Effect of it, since to preserve their Monarchy intire, they have receiv'd a King from *France*, and thrown themselves into the Protection of the Hereditary Enemy of their Monarchy and Nation.

The Spaniards thereby will satisfy their Resentments.

I pass now to consider the second Objection, which I heartily wish could be made good, viz. That *England* alone will be able to defend it self against the united Force of *France*, *Spain*, &c.

Whether England alone will be able to resist them.

I have as honourable an Opinion of my Country as any Man, and do truly believe, that if by an absolute Composure of our intestine Jealousies and Divisions, these Nations were put in a condition to exert their full Strength, they might give work enough to whatever Power should dare to invade them. But since such an Union and mutual Confidence is rather to be wish'd for than be depended on, and since we are wrangling and disputing in whose Hands 'tis safest to trust our Arms; and are only agreed in this, to have neither a Standing Force, nor a well-regulated Militia, we can hardly be thought to be in a good Posture of Defence. I would not here be mistaken, or thought to be arguing for a Standing Army; on the contrary I know, that in many ancient Governments, the whole Body of the People was so Train'd and Disciplin'd, as to answer all the Ends of the best disciplin'd Army: and 'twere to be wish'd, that the People of *England* had Virtue enough to put themselves on the like foot, and that our Nobility and Gentry, remitting something of their present Ease and slothful Luxury, would vouchsafe first to be taught themselves Martial Discipline, and afterwards with a generous Emulation would instruct others. If such a Spirit were once seen amongst them, the People would readily follow their Example, and it would in a little time be thought no Hardship, nor any way inconsistent with the Liberty of the Subject, if every Man were oblig'd to spend two or three Years of his Youth in qualifying himself to defend his Country; the Sword being thus in the Hands of the People, could never be employ'd to their Disadvantage, and the Nation would be secure from all foreign Attempts, since no Enemy would prove so adventurous as to attack so populous a Country as *England*, where every Man would be a Soldier. But till some such Method be taken, I do not think 'tis reflecting upon my Country, to say, That we should be hardly put to it to defend our selves by our present Militia, against so formidable an Enemy as we shall have to deal with. I ask then, if any prudent Man would chuse to hazard all that is dear to him upon dubious Events, when 'tis in our Power by a timely Resolution to prevent our Enemies, and make their Countries the Seat of a War, which must otherwise be brought into *England*.

Or granting that we should, upon such an Emergency, defend our selves with so much Unanimity, Valour, and Good Fortune, as to repel their first Assault, what will become of us when our Trade is lost? Or will our Fleets avail us ought, when all the Ports betwixt *Osford* and *Sicily* shall be shut against them? For 'tis certain, that in such a Conjunction, neither *Portugal*, nor the little *Italian* Princes, will dare

to receive our Fleets, when every Ship that would pass the *Straits* must either fight its way, or pay Toll, and when our *West-India* Navigations will be rendered extremely dangerous by the number of Men of War and Privateers, which our Enemies will be able to maintain along the vast Continent they are Masters of in *America*; when, I say, the Sinews of War will be cut off by such a Diminution, if not a total Loss of our Trade, must not our Maritime Power fall of course? and our Island by consequence grow every day more defenceless, and expos'd to fresh Attempts? Let us then look about and see what Assistance we shall find abroad in our Distress?

Whether
England
will find
Allies to as-
sist her, if
France
should im-
pose Popery
on us.

This leads me to the third Objection I propos'd to consider, viz. That tho *England* shall acknowledg the new King of *Spain*, and refuse to assist the Emperor in his Pretensions to that Crown, we shall notwithstanding find Confederates to assist us, whenever *France* and *Spain* shall endeavour to force King *James* and Popery upon us; the contrary of which I fear will be too easy to be prov'd.

War being in it self an Evil, and no ways desirable for its own sake, 'twill easily be granted, that no wise State or considerate Prince will ingage in it, but with a prospect of shunning some greater Evil, or of gaining some Advantage so considerable, as to compensate for the Mischiefs which necessarily attend it. If therefore we consider, First, what Advantages the Emperor proposes by this War, then who will probably be his Allies in it, and what Motives will induce them to assist him; and that it be shewn afterwards, that our Refusal to join with them will defeat all the Hopes of the Success they aim at; it will, I think, follow naturally, that none of them will hereafter be overforward to undertake for us what we shall now refuse to do for them, especially if the Assistance we may hereafter desire of them will no way answer the End they now propose, but on the contrary will expose them to far greater Hazards than we should now risque by coming into their Assistance.

What the
Emperor
hopes by a
War.

To begin then: The Emperor hopes by a War, with the assistance of his Confederates, to get the Monarchy of *Spain* for one of his Sons, a Prize certainly worth contending for. He hopes in this Pretension to have for Allies, all those who were Guarantees of the *Pyrenean* Treaty, that is, most of the Princes and States in *Europe*: and if the Reasons which gave a Foundation to that Treaty, and particularly to that Article of it, where *Lewis* XIV. and his Queen did renounce to all future Pretensions upon the *Spanish* Dominions; if, I say, the same Reasons specify'd in that Treaty do still subsist (which will hardly be deny'd) the Emperor seems with Justice to demand of the Guarantees that they will make good their Ingagements. But because Treaties of late are found to be a very weak Security, let us consider what particular Interests are likely to ingage many Potentates to assist him.

What may
ingage ma-
ny Powers
to assist
him.

First then, 'tis probable the whole Body of the Empire will assist him powerfully, since besides the Reasons common to them, and to other Powers, as their being Guarantees of the *Pyrenean* Treaty, and the general Interest to keep the Ballance even, if possible, between the two great Houses; the Emperor has a Claim to *Milan*, which it concerns them to assert, it being a Fief of the Empire, and by consequence upon default of Heirs Male it must return to the Empire (a), without the consent of which it cannot be alienated; insomuch, that tho even the Arch-Duke had been call'd to the Crown of *Spain* by the late King's Will, he could not have enjoy'd *Milan* without a new Investiture from the Emperor. And such is the Constitution of the Empire, that every Prince and State is oblig'd to assert their own with the Emperor's Right in this Case: The great Security of each of them, consisting in the Obligation they are all under to defend each part of the Empire, and to suffer no Alienation from it, but by their own Consent. And whoever should oppose in a Diet their joint Endeavours to assert that Right, may be put to the Ban of the Empire, and be depriv'd of his Estates. Examples of which some of our Royal Family transplanted there, may furnish us with. Some Princes of *Germany* are yet under stricter Ingagements to the Emperor, as the King of *Prussia*, and Elector of *Hanover*, who in return for their new Dignities have oblig'd themselves to furnish on this occasion considerably more than their Quota's. The Circle of the *Lower Rhine* is highly concern'd to keep the *French* out of *Flanders*, since the Countries of *Liege*, *Cologne*, *Mentz*, *Treves*, *Julier* and *Cleves*, would be extremely expos'd by such a Neighbourhood; there being all the reason to apprehend, that the *French*

(a) Vid. Guicherdin, Phil. de Commenis, lib. 1. Tractatus varii de Principibus Italix, 2 Ed. D. P. 163.
King

King would thereby be tempted to endeavor at making the *Rhine* the Boundary of *France*, as it was of antient *Gaul*. And if we take a View of the whole Empire, we cannot doubt but 'twill act in concert, since all the great Powers of it are known to be absolutely in the Emperor's Interest; and should any petty Princes have a mind to gainsay, a Majority in the Diet concludes them.

The Emperor has great Reason to hope, that three other Potent Nations will assist him vigorously, for their own sakes, their Honour as well as Safety evidently requiring it: All three have been treated by *France* with so much Indignity, their present Circumstances are so much alike, and the Danger with which they are otherwise very nearly threaten'd, is so much the same, that I shall not part them, as I wish they may not separate from each other at this critical Juncture.

It will easily be understood by what has been said, that I mean *England*, *Portugal*, *England*, *Portugal*, *and Holland*; over the two last the King of *Spain* pretends a Right of Sovereignty, as the King of *France* keeps at *St. Germain's* some, who have the like Pretensions upon us. The Trade of all three becomes by this Junction equally precarious; or, if there be any difference, 'tis to the Disadvantage of *Holland*, since the French, who are now become their Neighbours in *Flanders*, may with great ease open the Navigation of the *Scheld*, and restore the Commerce of *Antwerp* to its antient Lustre, to the utter Ruin of the *Dutch*. *England*, *Portugal*, *and Holland* more exposed than *England*. *An Island Nation between Portugal and Castilians.*

Holland and *Portugal* in one respect seem indeed to be more expos'd to their Enemies than we, since they are upon the same Continent with them, whereas our Azure Rampart keeps them at a greater Distance; so that all the Reasons urg'd to make *England* apprehensive of this Union, ought more strongly to influence them.

If any Man shall object, that the Conformity of Religion is a security to the *Portuguese* against the *Castilians*, let him consider what an inbred Hatred there is, and has been for some Ages, between those Nations, and how much the Indignation of the latter will be increas'd against a People, deem'd their Vassals, for their Presumption in having concur'd with us to dismember their Monarchy, and he may then change his Opinion. It seems therefore indispensably to be the Interest of these three Nations to assist the Emperor in dethroning the Duke of *Anjou*, since they have no other means to secure the Independence of their Governments. The *English* and *Dutch* are yet more nearly concern'd, since upon their Refusal, the loss of their Religion (which ought principally to be consider'd) must follow that of their Liberty.

Whether the Northern Crowns will be engag'd in this Quarrel, or contribute any thing more than their Quota's, as Princes of the Empire, is uncertain. The Young Swedish Hero has his Hands full already; but 'tis not impossible that he may soon make a glorious end of his own War, and then come or send to our Aid, in return for the good Office we lately did him: this we may be sure of, that we shall not have both those Crowns either for or against us.

The Duke of *Savoy* we must believe to be very uneasy, and 'tis probable that he desires nothing more than such an Opportunity to declare against *France*, as will not expose him to manifest Ruin, which would certainly be the Consequence of his declaring for the Emperor, before there be a Power in *Italy* to support him. But, if the least favourable Success of the League should ever open him a Door to come into it, we cannot think him so blind as to stand out, for the following Reasons: first, Because 'tis his Interest, that there should be a Power in *Italy* to protect him against such ill usage for the future as his Ancestors and himself have heretofore frequently receiv'd from *France*, which at present there is not, the *Milanese* being now full of French Troops.

Secondly, The French being already possess'd of those Countries near him, which are to be fought for, and being not of a temper to part with any thing till they are forc'd to it, 'tis not probable that they will give him any Share of their new Acquisition; whereas the Emperor, who is not yet possess'd of any thing in *Italy*, and whose Interest it is to engage that Duke, will easily be brought to make him considerable Offers, and to bestow a great part of the *Milanese* on him, if the War, he is about making, prove successful.

The other Powers of *Italy* will probably be neutral, and do all they can to avoid taking any side, till they are forc'd to it by the strongest Party.

The *Switzers* also will be Lookers-on, and sell Troops to all Buyers; and the most that can be expected from their Zeal to the Publick Interest even amongst the Protestant Cantons, is, that they shall sell their Troops five per cent. cheaper to us than to *France*.

The Emperor not able to perform it without England.

End proposed is the disposing the Duke of Anjou.

Having thus taken a short View of the great Powers in *Europe*, and consider'd which of them will probably be induc'd to espouse the Emperor's Quarrel, and what will be their Motives for so doing; to proceed in my Argument I am to shew, that without the Assistance of *England*, the Emperor and his other Confederates will not be able to compass the End they propose.

That End I take to be the disposing the Duke of *Anjou* of the whole *Spanish* Monarchy, or at least of *Spain*, the *West-Indies*, and *Flanders*, and placing the Arch-Duke in his room. That a War ought not to be undertaken with any less Prospect, is evident from this Reason, *viz.* That nothing less than such a Success can answer the main Prospect of the Confederates; for so long as the *French* shall rule in *Spain*, which necessarily carries along with it the Dominion of *America*, can *England*, *Holland* and *Portugal* (but *Portugal* chiefly) think their Liberties secure, and their Trade not merely precarious? Or so long as the *French* shall remain in *Flanders*, will not *England* and *Holland*, and all the Princes bordering on the *Rhine*, think themselves in the greatest Danger? The Commons of *England* certainly reason'd thus in King *Charles* the Second's time, when so many Addresses were presented by them: And the many Millions given by them in this Reign for the same purpose, do sufficiently justify this Opinion.

The Emperor and his Partizans will, I believe, carry the thing further, and say, That so long as the *French* shall have *Naples*, *Sicily* and *Milan*, the Ballance will be too much on their side, even tho an *Austrian* Prince were possess'd of *Spain*, *Flanders* and the *West-Indies*.

Without England they can't succeed in it.

Supposing then the Design of the Confederates is by a War to dispossess the new *French* King of *Spain*, it is ask'd, Whether, without the Aid of *England*, 'tis probable they can succeed in that Undertaking? To which Question, I am confident, that all who are against a War will readily answer, No: and probably ask, Whether, with the Assistance of *England*, 'tis an Undertaking possible to be compass'd? That Question I mean to consider in another Place; and since 'tis sufficient for my present purpose to have it agreed to, that without us they will in vain undertake such an Enterprize, I will, with my Adversaries, take it too for granted, and from thence conclude, That since our Refusal to join with them will defeat all the hopes of Success they aim at, it follows naturally, that none of them will hereafter be forward to undertake for us, if we stand in need of their Help, what we shall now refuse to do for them.

But because it may be objected against my Conclusion, that Resentment and Passion ought not to influence the Counsels of wise Governments, that particular Piques are ever sacrific'd to the Interest of State, and that therefore the Powers above-mention'd, finding it to be their Interest, may be induc'd to assist us hereafter in our Distress, notwithstanding the Dissatisfaction which our present Desertion of them may occasion:

What Powers England may expect to ingage in its Defence.

To remove the force of this Objection, let us particularly examine what Powers 'tis reasonable for us to expect will ingage in our Defence. Will the Emperor turn Champion for the Protestant Religion and the Liberty of a People, who will have so highly disoblig'd him, when his hope of preserving the *Spanish* Monarchy in his Family by our Assistance, will be for ever defeated; which Hope was the main reason that has kept him our Ally so long? Is it not more reasonable to apprehend, that the Pope may mediate an Accommodation between him and *France*, by intermarrying, or procuring to him perhaps some Province, which is more than he can ever, by his own Force, wrest from *France*, if he should obstinately make War by himself? On the contrary, such a War would ruin him, and disable him from assisting us ever, if he should have the Will to do it.

Can any Protestant, without Horror, reflect on the fatal Consequences which would attend such an Accommodation? I shall not, for brevity's sake, repeat any thing on that Subject, which several Pamphlets have already taken notice of, but proceed to examine from what other Allies we may hope for Assistance.

As for the Protestant Princes of *Germany*, 'tis not sure that they will preserve themselves free; or if they do, is it probable that they can give *France* such a Diversion as would be necessary to save us? Especially when such an Alliance would furnish the Emperor with a Pretence to forward so Holy a Work, as the Destruction of Heresy; towards which Design 'tis most probable that his Zeal and Ambition will then direct him, when his other great Hopes are vanish'd.

The *Northern* Crowns are too remote, and too poor, to give any timely or effectual Aid.

'Tis

'Tis highly probable that the Hollanders will be able to preserve their Government no other way, than by throwing themselves into the Protection of *France*; and in this Case their whole Power by Sea will be always ready to act against us at the Will of *France*; and their Situation will besides cut us off from all Communication with *Germany*. But if any one can suppose, that they will be able to preserve their Government upon easier Terms, it must be so precariously, that they will not dare to give the least Jealousy to their watchful Neighbour by coming to our Relief.

From these Considerations 'tis, I think, evident, that if ever we want Help, we shall not find Allies able or willing to defend us. But it has been prov'd in the foregoing Part of this Discourse, from the Consideration of the Interest, Will and Power of our Enemies to attack us, and from our Inability to defend our selves, that we shall stand in need of Alliance; therefore the Conclusion is too plain, We shall be a Prey to our Enemies.

Having thus from Principles, which to me seem undeniable, shewn what will be the necessary Consequences of a Peace, *viz.* the utter Ruin and Destruction of our Trade, Liberty and Religion: I would proceed next to offer some Thoughts concerning a War, but that I have lately heard of an Expedient propos'd by some to save all without the hazard or expence of it. The Rank of the Persons I heard quoted for it, and the Approbation which I found it met with from some who pass for Men of good Understandings, induced me to offer it to the Consideration of my Readers. But I do before-hand beg their Pardons, if after having thus rais'd their Expectations, they shall judg it to be the Mountain's Birth.

'Tis propos'd then, for our Security against the Dangers we apprehend, That a Treaty be made with *France* and *Spain*, wherein it shall be expressly stipulated, That neither of those Crowns shall make any Innovation, or give the least Disturbance to our Trade. On the contrary, 'tis said that *France* is so desirous to preserve the Peace of *Europe*, that rather than disoblige us, 'tis to be hop'd they will condescend to make new Treaties of Commerce with us more to our Advantage than those which now subsist. It shall be moreover especially provided, that no Attacks shall be made on the Hollanders, who, for their greater Security, shall be allow'd to maintain Garisons in some of the strong Towns of *Flanders*, which being in Dutch Hands, will be so many Pledges of the punctual Execution of whatever shall be agreed on; and to enforce the more the religious observance of such a Treaty, we are to put ourselves in a posture of defending our selves against any Breach thereof which our Enemies might offer.

Now of such who propose this noble Expedient, I will crave leave to ask one Question, that is, Who shall be Guarantee of such a Treaty? It must either be God or Man. But if the French would have accepted of God Almighty for Guarantee of their Treaties, or be bound by the Reverence which even Heathens pay to Oaths, they durst never have broke the *Pyrenean* Treaty, which perhaps was the most solemnly and religiously covenanted of any that History mentions. From their Violation of that, and I believe we may truly say, of all those ever made by their present King, 'tis manifest that the French exclude God Almighty from being Guarantee of their Treaties.

If Man shall be Guarantee of such a Treaty, I demand who this Man or Men shall be? Will the Emperor be one? But by the very State of the Question, we are suppos'd to have deserted him and his Interest, and to have left him to shift for himself the best he can: Without him, is there a Power in *Europe* sufficient to give the Law to *France* and *Spain* united? Or granting there be, shall we be sure that all the Princes who must compose such a Guaranty, will on a sudden reconcile their different Interests, and engage themselves in a War to make it good, purely for the sake of two Nations, who will have set them a Pattern to slight such Engagements, by having so readily acquiesced in the notorious Indignity so lately put upon them? Is it not therefore evident, that such a Treaty will only expose us to the Derision of our Enemies? who having thus clinch'd the first Trick put upon us by a worse, will have reason to make Sport of our fond Credulity.

As to putting our selves in a posture of Defence, it can only mean, increasing our Forces by Sea and Land; that is, putting our selves to near the same Expence which would defray a War, to do nothing.

To evince more fully the Insufficiency of any such Project, and to shew on the contrary, how subservient it would prove to the Designs of those who mean to introduce Popery and Slavery, I will beg leave to make one Supposition, which, for

The Insufficiency of this Expedient.

the better Information of my Reader, and for Arguments sake, I hope I may be allow'd to do.

Let us suppose then, that *France*, ever watchful, and ready to promote its Interest in Foreign Countries, should have thought it advisable to entertain Emiffaries among us, whose Business it should be, not only to send over faithful Advices of all that passes here, but likewise by the Credit they should endeavour to gain with People of several Ranks, to prepare the way for King *James*; and supposing that some English-men, either corrupted with French Money, or acted by mistaken Principles of Zeal and Loyalty to what they call the Right Line, should prove base or blind enough to undertake such a part: How ought we reasonably to imagine that such Men would act and speak? Do we not believe, that in all their Conversations they would cry up the Advantages of Peace? Would they not display their Eloquence, in setting forth the deplorable State of the Nation, already exhausted by the great Taxes of the last War, and made thereby unable to contribute towards the Expences of a new one? Would not the peaceable Disposition of the King of *France*, shewn by his willingness to purchase the Peace of *Reswick* at a very dear Rate, furnish them with specious Arguments to prove, that we have nothing to fear from an old Prince, abandon'd to the Counsels of an older Woman? If these or the like Arguments fail'd of Success, would they not endeavour to beget in People a Diffidence of his Majesty, by insinuating, that we know not what secret Practices have been manag'd between him and *France*? or how far both Kings are agreed to invade all *Europe*? That a sham War is necessary to blind Folks, and to get a Standing Army, which is still the Bottom of this whole Design.

Such Chimera's, whisper'd with a seeming Concern for the Liberty and Good of *England*, might deceive the Unthinking. But if any such Emiffaries, as I have suppos'd, should have had so much Art and Dexterity, as to get access to his Majesty's Person and Councils, how is it probable they would then direct their Batteries?

Emiffaries
from *France*.
what they
would at-
tempt.

If they had not to do with a Prince, whose great Wisdom makes him as incapable of mistaking his own and his Peoples Interest, as his high Spirit makes it impossible that he should ever condescend to any Measures that might lessen that glorious Character he is so justly in possession of, they would certainly advise such a Treaty with *France*, and boldly press to have the Duke of *Anjou* own'd King of *Spain* immediately. Their Advice might be inforc'd by creating a Diffidence of the Parliament's readiness to vindicate the Honour of his Majesty, and to provide for the common Security. Which Diffidence might be founded on this false ground, That because the Commons of *England* would not in time of Peace keep up Standing Armies, nor overlook the many Abuses put upon his Majesty by hungry Courtiers, who wanted not a Stomach to swallow all the Estates of *Ireland*, if their Rapine had been tolerated; it should therefore follow, that the same Commons would not take greater Care to prevent King *James*'s making Grants of all the Estates in *England*? Or that the same Zeal that mov'd them to take such wise Precautions, to prevent our own Kings from bringing in Slavery upon us by Standing Armies, would not warmly inspire them with such vigorous Resolutions as may disappoint our Enemies, who would force it upon us from abroad?

If by such Misrepresentations of English Parliaments, a Jealousy of them could once be rais'd, more Troops, and a Treaty with *France*, were a ready Salvo; nor would there be wanting Precedents in our History to back their Advice.

But his Majesty's sublime Genius being such as would certainly awe the most impudent and corrupt Counsellors from proposing such wicked and shallow Measures, and which prov'd so fatal to his Predecessor, let us consider what other Mischiefs their surreptitious Favour might enable them to compass. Why? We may be sure they would affect Popularity, by talking against Taxes, and arguing against the Necessity of a War, which would have this good Effect, That the Multitude judging of the situation of Affairs by the Countenances of those who were at the Helm, and finding all about Court serene and unconcern'd, would conclude they were in no Danger; which Mistake they might be confirm'd in by the unshaken and steady Temper of his Majesty, whose Magnanimity, so often try'd in great Adversities, might, by the Unthinking on this Occasion, be misconstrued as a certain Symptom of Security: Whereas it seems to import extremely at this Juncture, that People be made thorowly acquainted with their Danger, lest by some hasty and precipitate Resolutions they put it out of their Power to provide against it.

The same Emiffaries would undoubtedly obstruct, as much as in them lay, any Offers made by his Majesty, or his Parliament, at repairing, if possible, the great Loss this Nation has made by the Death of his Royal Highness the Duke of Gloucester, since the Protestant Successor that should be appointed, might prove a Rub in the way of the Frenchify'd Family; besides, that the Concurrence which his present Majesty should give to such a Provision for the Settlement of our Religion and Liberty upon a firm Basis, would intirely secure to him the Affections of his People, and destroy the false and malicious Insinuations they and their Partisans would suggest, as if his Majesty had no farther Concern for our Safety than during his own Life; the contrary of which is so manifest, by the great Things he has already done for us, that it argues an incurable Perverseness to surmise otherwise: For should Men deny this Truth, our Records will transmit down to Posterity, with a multitude of wholesom Laws and Constitutions, the Memory of this illustrious Hero, who never thought it beneath his Kingly Dignity to gratify the just Desires of his People, even by the Diminution of his own Prerogative.

Those Emiffaries would obstruct the settling the Succession in the Protestant Line.

But such is the Levity of Mankind, that groundless Suspicions are often receiv'd as clear Proofs; and should the Pensioners above-mention'd prove so industrious and successful, as to get the Places of greatest Trust fill'd with Men, who thought their rightful Master were beyond Sea, whose nice Consciences could never be reconcil'd to his present Majesty's Title, and who were known Enemies to those popular Principles, which gave a Birth and Foundation to our present Government, and by which alone it can for the future be supported: I say,

Would not such unexpected Measures seem to authorise very extravagant Jealousies? And might they not startle Men the best affected, by making them apprehensive that some such Bargain was driving on, as our Historys give an Example of in King Stephen? Would not the fearful Prudence of many rich Men incline them in such a Case to make their private Peace, and to be reconcil'd to those who might become our Masters? (for there are not wanting Examples of Men, who even during a War, have made private Treaties of Peace with the Enemies of their Country) and would not the Multitude, judging it self abandon'd by those from whom it expected Protection, be prepar'd without opposition to wait for a new Revolution?

If it be true, that Men paid from *France*, and directed from *St. Germain's*, would use such or the like Artifices to bring about their wicked Purposes, it is certainly incumbent on an English Parliament, by taking opposite Measures, to leave no room for such Practices.

What our Parliament should do in opposition to 'em.

Our Enemies desire to see such Men amongst us advanc'd to Places of Trust and Dignity as are Enemies to his Majesty's Person, and to that Liberty he has so wonderfully secur'd to us. Since therefore the High State of Kings makes it difficult, if not impossible for them to be thorowly acquainted with the Principles of all those who have the Honour to approach their Persons; if ever it should happen that any such, with mischievous Intentions, should insolently intrude themselves into Posts of the greatest Trust, does it not seem consistent with the Allegiance and Zeal a Parliament ought to have for their Prince, in the most humble manner to lay before him the Danger his Person and Government might be expos'd to by a misplaced Confidence?

That Enemies to the King be not in Places of Trust.

The Enemies of our Religion and Liberty wish, that we may be as careless in providing for the Succession of *England*, as our late Allies the Spaniards were for theirs. Such an Omission would furnish our Good Ally the King of *France* with a fair Opportunity of shewing us as great Marks of his Friendship as he has done to *Spain*, by supplying us in time of need with a King of his own breeding up. What tho he should exact of us to pay the Charges of his Education, and send us in a Bill for the Expence he has been at in attempting to restore him sooner; Can we in Gratitude do less than satisfy so just Demands? And tho we should not have ready Money enough to pay immediately so just a Debt, would it not be reasonable to give our obliging Friend, the King of *France*, Cautionary Towns for a Security till it were punctually discharg'd; and to postpone, upon such a Consideration, all the Publick Debts contracted in Defence of an Usurpation? Will an English Parliament leave the least Door open to such Mischiefs? Sure it will not, but rather take warning from the Example of a Neighbouring Nation, and take care that Count *Tallard* be not made a Duke for Services of the same nature in *England* with those of the Duke d' *Harcourt's* in *Spain*.

And to take care of the Succession.

If they do not, it will look as if we were ready for the Pretender.

Who cannot look the good of England.

If some Provision be not made at their next Session, will not our Enemies, both at home and abroad, look upon such an Omission as a tacit Indication, that the Nation is prepar'd to receive a Prince that shall be nameless? And would not such a Delay prove by so much of more fatal Consequence to us, than the King of Spain's Will did to that Country, as that our Religion runs the greatest of Hazards by such a Turn?

I know there are some who would be thought Protestants and Freemen, who fondly flatter themselves, that a Boy banish'd by *England* almost as soon as born, who with his Milk suck'd in Popery, and an Aversion to *England*, which have been strongly inculcated into him till the Age of Thirteen, by two most zealous, stubborn and revengeful Parents, will forget that his Great Grand-mother, and his Grand-father, had their Heads cut off by the People of *England*; that the same People have twice forc'd his Father into Exile, depos'd him, and reduc'd himself, with both his Parents, to beg their Bread in a Foreign Country: That, I say, forgetting all this, and laying aside all thoughts of promoting the same Religion, and the same sort of Government he has been taught in *France*, he will prove a Defender of the Protestant Faith and the Liberties of *England*.

Men so infatuated, God only can restore to their right Senses, by restoring Him they wish for: Unless the Sins of this Nation should so far provoke Divine Vengeance as to bring such a Revolution upon us, I despair these Men can ever be persuaded of the Necessity we are under to entail the Crown of *England* upon Protestants.

But lest any Man of Principles quite opposite, should be made a Tool to them, and join with them in opposing the Settlement of our Succession, I beg leave to address my self to such as imagine, that when our present Settlement is run out, a Commonwealth may be set up, and are therefore against enlarging it. Their Hopes I conceive to be ill founded for the following Reasons.

Hopes of settling a Commonwealth in England groundless.

First, Because there is a great Majority against them throughout the People of *England*, nine in ten of which are for sticking to the Antient Constitution.

Secondly, Because there are not ten Commonwealths-men in *England* agreed upon any Scheme or Plan of Government, for which reason 'tis impossible they should ever act with so much steddiness and unanimity as would be requisite. This Truth is manifestly confirm'd by the experience of that variety of Governments which were set up successively after *Cromwel's* Death, and which all ended in bringing in King *Charles the Second* of pious Memory.

Thirdly, Because their Adversaries would act in Concert, being united under one Head; and whatever may be objected against Monarchy when settled, 'tis certainly, in turbulent Times, the Government most likely to prevail.

Fourthly, If by a Commonwealth they mean a free Government, and would be satisfy'd with the Thing, tho it want the Name of *Republick*; 'tis far more probable to attain that End by settling the Succession, than by any other way, since it may be done with such Limitations as will abundantly secure our Freedom. 'Tis therefore to be hoped, that the present Parliament will take this Matter into their serious Consideration, and by complying with the earnest Wishes of all honest Men who expect it, defeat the Artifices of our most dangerous Domestick Foes.

Our Enemies with the King may be disabled from resenting the most insolent Affront put upon him, and that he may authorize their unparallel'd Perfidioussness, by acknowledging the Duke of *Anjou*; hoping that such a Condescension may lessen that Reputation of Valour and Wisdom, which has for so many Years prov'd the greatest Obstacle to their vast Designs.

The Parliament ought to be tender of the Honour of our King.

Is it not therefore to be hop'd, that an English Parliament will have a tender regard for the Honour of a Prince, whose Reputation has hitherto stood us in such stead? For if so many Princes of different Religions and Interests, as were confederated in the last War, arm'd in our defence, and by a Perseverance scarce to be parallel'd in any History, remain'd in firm Union for eleven Years; must it not be own'd that his Majesty's great Genius first gave Motion, and afterwards directed all the Springs of the complicated Machine? Shall not then the great Council of our Nation, when their Advice is ask'd on this important Affair, dissuade his Majesty from making a Step, which, by lessening his Character, will lessen his Power to do us good?

The Honour of England concerned to resent the Fr. King's dealings.

If I should say that it nearly concerns the Honour of *England*, as well as the King's, to resent the King of *France's* Violation of the Treaty of Partition; I know 'twould disoblige some Gentlemen who are of a contrary Opinion, because, say

say they, the People of *England* had no hand in making it. But of such I will ask, Whether, tho it had been ratify'd by the Parliament, the King of *France* wou'd have had a greater regard to it? If not, and that *France* cou'd not reasonably conclude but that it wou'd meet with a general Approbation, which ought certainly to be suppos'd, till the Legislative Power had declar'd otherwise; it is evident, she has offer'd the highest Affront to the Nation, as well as to his Majesty.

If it be objected, That it wou'd be of very evil Consequence, that the Nation shou'd be oblig'd to make good, at the Expence of *English* Blood and Treasure, all such Treaties as future Kings may make, to the disadvantage of *England*; and that therefore we are to be no farther concluded by them, than our Parliaments shall judge them to be for the Honor and Advantage of the Publick: I answer, That no Nation we shall treat with, will for the same Reason think it self bound, by any thing stipulated with us; since whenever they shall be press'd to execute any Treaty, which they shall think to their Disadvantage, they may with truth object, that Obligations, to be of force, ought to be mutual; whereas they can have no other security of a Compliance on our side, since 'twill be in the Power of a Parliament to disable our King from performing his part of the Covenant.

How the Nation is oblig'd to make good Treaties made by the King.

If it be from hence infer'd, That all Treaties made between Us and other Nations signify just nothing, it belongs to our Legislators to consider whether this be one of the many Defects in our Constitution, which 'tis their Province to remedy; some Provision against such Cases for the future, is certainly more consistent with their Wisdom at this dangerous Conjunction, than unseasonable Cavils against the Prerogative of a Prince, who has already done so much to better our Constitution, that 'twill visibly be no Fault of his, if under his Reign it be not brought to the greatest Perfection 'tis capable of being improv'd to.

Our Enemies by a Peace desire to secure themselves in an undisturb'd Possession of their ill-gotten Acquisitions, and building upon our Complaisance; and perhaps upon Assurances given them from some *English* Portocarevo's, are already forming Projects to wrest from us our Religion and Liberty. And we, good-natur'd People, shall let the World see that *Spain* is not the only Country where *French* Money and Artifices have prevail'd over the National Interest. Will not the Parliament rather advise and enable His Majesty once more to take upon him the glorious Task of rescuing *Europe* from Bondage, and setting Bounds to the insatiable Ambition of *France*?

Our Enemies by Peace desire to secure their Possessions.

How much such an Enterprize, if it succeed, will redound to the Glory, Profit and Security of *England*, is needless to mention. It remains therefore only to consider what Means we have to effect it; that is, what Forces our Confederates and we can bring to bear against *France*, and what she can probably oppose to us.

To begin with *England*, 'twill be allow'd that if she think fit to engage in a War, she can and will maintain a Naval Force; which, with the assistance of *Holland*, will be superior to that of our Enemies in the Ocean, the *Mediterranean*, and in *America*. The Advantages which such a Mastery at Sea, well manag'd, may give us, are too many to be enumerated. That Eight or Ten Thousand Land-men on board our Fleet, may frequently be of very great use, is likewise undeniable; and 150000 *l.* a Year added to the present Establishment of our Guards and Garisons, will enable us to spare such a Force.

What Forces we have to effect the Reduction of France.

We are assur'd that the Emperor, before Spring, will have increas'd the Troops he has on Foot, which now exceed 70000 Men, to 96000, of which 70000 will be employ'd offensively against *France*, and in *Italy*; the Remainder, with the Militias of his Hereditary Countrys, being a Force more than sufficient to guard his Frontiers. And we are likewise assur'd that a Fund for the Maintenance of them is actually settled.

The Emperor increases his Forces.

The Empire cannot be suppos'd to act with less than 60000 Men, if we consider, how many great Princes of it are under strict Engagements to the Emperor; and that others, as the Elector *Palatine* with all his Ecclesiastical Brothers, are most nearly concern'd to remove the *French* from being their Neighbors in the *Spanish* Netherlands. The King of *Prussia* and the House of *Lunenburg* alone, are known to keep in Pay near 50000 Men. It will therefore easily be allow'd me, that if the whole Empire will exert its utmost Strength, it may bring into the Field a far greater number, and there is no doubt but upon any Emergency it will. But I wou'd be now understood to speak only of such a Force as will be

What the Empire may furnish.

constantly kept on the Enemies Frontiers ready for Action, besides the Garisons which every Prince will be careful to provide for his own Security.

What Forces
the Dutch
have.

The *Dutch* have had on Foot ever since the Peace, 40000 Men, old Troops, which by filling up their Regiments as they were in time of War, will in six Weeks time make 60000 as good Men and as well officer'd as any *France* can oppose to them. If that Number be not thought sufficient for their Defence, it is reasonable that *England* should assist them with a Body of 12000 Men at least, or Money to pay such a Body; or by increasing our own Naval Force, and taking upon us a greater share of the War by Sea, than was done last War, ease them of so considerable an Expence as may be equivalent to such or a greater number of Troops, which by that means they may be enabled to pay.

Thus we have already reckon'd up above 200000 Men, against which *France*, if it mean to have any Success, must have at least as many to oppose. For we have not found, during the last War, that she ever boasted of any Advantage got over the Confederacy with inferior Numbers.

Portugal
should be
assisted
with Men
commanded
by the A.
Duke.

If besides these, the King of *Portugal* be assisted by the Confederacy, and that to the 20000 Men, which at least he is allow'd to have on foot, 15000, either *Germans*, *English* or *Dutch* (the possibly Popish Troops wou'd be most acceptable in that Country) be added and commanded by the Arch-Duke in Person, whom with such an Army it must be our Care to transport thither; let us consider how *Spain* will be able to oppose the Impression such a Force wou'd make.

Spain of no
Strength.

He that wou'd form a just Estimate of the Power and Wealth of *Spain* at this time, need only to consider that *Cuta* has been besieg'd near Ten Years by not above 5 or 6000 Rascally Moors. 'Tis true, sometimes there has been a greater Force before it; but the greatest part of the time the Beliegers have not exceeded that number. And to defend that Place, *Spain* did within these Four or Five Years desire the Assistance of *Portugal*, which sent some Companies thither, but they soon return'd home half starv'd, for want of the Pay they had been promis'd.

Or if we look back to *Barcelona*, we shall find a Town of that Importance, taken without ever having been besieg'd; for it never was so, properly speaking, the *French* Army being not numerous enough to invest it, nor to hinder Succours and Refreshments of all kinds, or so much as the Post, from going in and out every day: notwithstanding which, and that the Garison as well as Townsmen defended it with great Valor, it was forc'd to surrender, because all *Spain* was not in a Condition to supply one single Town with a sufficient Garison. And I am now credibly inform'd, that excepting the *German* Body under the Prince of *Hesse*, there are not 6000 Men in all their Country, in a condition to march.

It cannot
raise Men
without
Money.

But 'twill be said, they may raise Men, and have an Army of their own, before you can have transported the Force design'd for *Portugal*. To which I shall only reply, That Men are not to be rais'd without Money, and how much their Government wants that, is evident, by the Difficulties they have been at to raise a sufficient Sum for the Reception of their New King; notwithstanding their utmost Effort on such an Occasion, we are told, that the greatest part of his *Spanish* Family stay'd at *Madrid* for want of it, and that those who did go to meet him, made the Journey at their own Expence.

New King
can't make
it contribute
to its
own de-
fence.

Nor let any Man believe, that their New King, had he the Wisdom of his Grandfather, can so soon reform that unhing'd Government, as to make it contribute any thing considerable to its own Defence, especially if a War be carry'd into the Bowels of it immediately. For 'tis certain, that *Spain* has submitted to this Change, purely for fear of a War, which it is in no condition to make. If therefore it find, that instead of Quiet and Ease, which was the End it propos'd, it has drawn on it self a more severe War than *France* could have made, is it not to be hop'd, that the People will soon be very weary of their New King? That when the Arch-Duke, a Prince of the Family they have been so long govern'd by, shall appear among them, he will have a number of Friends: For 'tis hardly to be imagin'd, that the House of *Austria*, which has reign'd there near 200 Years, should so suddenly have lost all its Interest in that Nation, as to have no Friends left, if they durst declare, and had a Head to resort to. If we consider the natural Antipathy, the People of *Spain* have to the *French*, this will appear more probable. And indeed, all things consider'd, it is not easy to imagine, that *France* has any Friends there, except a Court-Cabal. The Multitude
trick'd

trick'd and betray'd by Courtiers, and finding no Assistance or Protection at hand, cou'd do no less than submit patiently. But if such an Army as is propos'd, were ready to give countenance to the Malecontents, 'tis not to be doubted but that the Arch-Duke wou'd soon be saluted King, and the French Party either driven out of *Spain* immediately, or be oblig'd to maintain a great Army to oppose the Confederates, who wou'd be daily strengthened by *Spaniards* joining them, and in all probability wou'd be able to beat the French out at last.

Those who know how expensive the last War in *Italy* prov'd to the French King, and that the small Army he there maintain'd against the Duke of *Savoy*, cost him more than his vast Armies of *Flanders*, will easily perceive that if he be oblig'd to carry the War to the Frontiers of *Portugal*, it must prove much more ruinous to him; since from his own Frontiers thither, is a March of above 500 Miles over many Mountains as rugged as the *Alps*, and thro a Country barren and dispeopled, and where such a Force as he must bring, cannot subsist without Convoys from *France*.

If therefore he will send an Army of Force sufficient to keep the Field against that of the Confederates, which I suppose to be of above 30000 Men, he must have, besides his Army in the Field, near half that number dispers'd at convenient distances to secure the march of his Convoys and Ammunition, which for the greatest part of so long a Tract must be carry'd on Mules Backs over mountainous and narrow Passes, where the very Peasants may intercept and plunder whatever is not strongly guarded.

How prodigious an Expence such a War must draw upon him, the most unexperienc'd Reader will readily judg; and I believe I may with great modesty affirm that 45000 Men, which I suppose him oblig'd to maintain there, will cost him much more than three times that number in *Flanders*. If to this we add that the whole Coast of *Spain* will lie expos'd to the Insults of our Fleet, that we may perhaps take *Cadiz* by the Assistance of our Confederate Army in *Portugal*, and put all *Andaluzia*, the richest Province in *Spain*, under Contribution, it seems reasonable to believe that *Spain*, to be deliver'd from such Mischiefs, will side with the Confederates to drive out the French, who will not probably behave themselves towards the *Spaniards*, so as to lessen the natural Aversion they have for each other.

If to what has been said, it be objected, that the King of *Portugal* has acknowledged the Duke of *Anjou*, and that therefore he will not join with us.

I answer, That till he cou'd be secure, that *England* and *Holland*, who alone can assist him effectually against *Spain* and *France*, wou'd engage heartily in such a War, 'twas the most advisable course he cou'd take to court an Enemy he cou'd not singly deal with. Yet we cannot believe but that a Prince, who passes in the World to have Courage, must be highly provok'd by the Slur lately put upon him by the French, who having omitted no Arts to engage him to be a Guarantee of the Treaty of Partition, and promis'd him *Badajoz* and *Alcantara*, two Spanish Towns on his Frontiers, have thus basely trick'd him. The Interest he has besides to secure his Crown to his Descendents, is an invincible Argument for him to oppose the present Union of *France* and *Spain*.

For as high a Conceit as the Portuguese have of their own Valor, they cannot be so extravagant as to think themselves an equal Match to *Spain*, when it shall be govern'd by a wise and active Prince, back'd with the Fleets and Armies of *France*. The Ease with which *Philip II.* conquer'd them, and the Assistance they stood in need of from *France* and *England*, to support their last Defection from *Spain*, tho *Spain* was then engag'd in a War with *France*, and that *Catalonia* was revolted at the same time, make it evident that their great Security consists in having for their Neighbor a King of *Spain*, who shall always have such a Jealousy of *France* as may divert him from the Thoughts of reducing *Portugal*, and against whom they may be sure to be assisted by *France*, if he shou'd attempt it. Which whether they are to expect hereafter, it behoves them to consider now.

But is it not far more probable, that the King of *France*, whom we may certainly conclude resolv'd never to part with *Flanders* (even tho we wou'd suppose him willing to part with the Body of the Spanish Monarchy) will propose the Conquest of *Portugal* for an Equivalent to the *Spaniards*? Such an Expedient will seem agreeable to the Interests and Inclinations of both those Crowns. For *France* has for some Ages look'd upon *Flanders* as a Province dismembred from its Patri-
mony, as it really was by the Dukes of *Burgundy*; and it has been long aiming

to re-unite it. And as for *Portugal*, its Situation, contiguous to the Body of *Spain*, makes it of greater Consequence to that Nation, than a Province so remote and expos'd as *Flanders*. Besides, they will be pleas'd with the Thoughts of humbling by the help of *France*, those proud Vassals they have ever hated, even more than their Dutch Heretick Rebels. Their having lately added *Portugal* to the Title of their new King, contrary to what was practis'd by his Predecessors, and the Arms of *Portugal* having been in some Scutcheons lately quarter'd with those of the other Kingdoms of *Spain*, do sufficiently tell the *Portuguese* how the *Spaniards* are inclin'd to them.

Portugal
will be ready
to join
with us for
their own
Security.

These Considerations seem then to put it out of dispute, that the *Portuguese* will not miss such an Opportunity as now presents it self of securing, by our Assistance, their future Independency, by placing on the Throne of *Spain*, a Prince who will be so highly oblig'd to them for such a Service, that he will never have any desire to hurt them; or who, should he prove ungrateful, will not have it in his Power, since *France* will ever be ready to hinder such an Increase of Dominion as *Portugal* would be to the Arch-Duke, should he become King of *Spain*.

The Fr. King's
Ability to
defend
himself.

Taking it therefore for granted, that the Powers above nam'd can, and will, bring such a Force as has been mention'd, to bear against our Enemy, let us consider how able he will be to furnish out so many Land Armies, and provide at the same time for the Defence of a Coast, several thousands of Miles in extent. To make as near as may be a true estimate of his Wealth and Power, I shall give my Reader an Account he may depend upon, of some Particulars relating to his Revenues, and the Number of his Forces at different times.

His Revenue
in
1666.

His whole Revenue did in the year 1666, amount to 126 Millions of Livres, which reduc'd to *English* Money, according as the Exchange went then, that is reckoning thirteen Livres to the Pound Sterling, would make nine Millions and about six hundred thousand Pounds; it produc'd the two last Years only one hundred and seven Millions, which reduc'd to *English* Money according as the Exchange has gone for that time, viz. at fifteen Livres to the Pound Sterling (which difference of the Exchange has been occasion'd by the raising the Standard of his Coin) make about

How sunk
now.

740000*l*. By which Computation 'tis evident, they are sunk above two Millions four hundred thousand Pounds Sterling, that is at least one fourth part of what they were at the time before mention'd; which plainly shews that the People and Wealth of *France* are decreas'd since that time, at least in the same proportion, since we may reasonably conclude, that the King's Revenues have been manag'd as carefully, and collected as rigorously in his late times of need, as they were heretofore.

And clog'd
with a
great Debt.

The King's Income is diminish'd in a far greater proportion, it being clog'd with a Debt of five hundred Millions, only to the *Hôtel de Ville*, or Townhouse of *Paris*, for which he pays Interest at five *per Cent*. twenty five Millions, that is near 1700000*l*. Sterling. He pays, besides, another sort of Interest by way of Salaries, for a considerable Multitude of new Offices erected and bought, many of them since the beginning of the last War, which amounts at least to so much as will make the Interest-Money already mention'd, exceed two Millions Sterling; so that he has coming in clear not full five Millions Sterling.

Borrow'd
much Money
since the
Peace.

'Tis farther observable, that since the Peace he has not paid one Shilling of the Capital, but instead thereof has taken up more Money, which indeed has not increas'd the Interest he pays (unless it may be what he has borrow'd these last twelve or eighteen Months) because he reduc'd the Interest pay'd to all those, who lent their Money during his most pressing Exigencies, at six, seven and eight *per cent*. to five, which Defalcation he has appropriated to pay the Interest of what he has since borrow'd. 'Tis true, he has suppress'd some of the new erected Offices which were most burdenson to the People. But how? Why, it being unreasonable that such as had assist'd him with Money during the War, should be Losers, he has graciously condescended that such Provinces or Towns as were most griev'd by these Offices, should repay to the Persons possess of 'em their Principal Purchase Money.

His Land
Forces.

Before I say any more on this head, I will mention a Word about his Land Forces, which for some time during the War, are said to have exceeded 300000 Men, besides those on board his Fleet. But since the last Reduction made about the latter end of the Year 99, they were brought to be barely one hundred and twenty thousand Men, and so continu'd till the King of *Spain's* death, just before which Orders were issu'd for an Augmentation to be made against *January* last, which was to have increas'd them to 150000, and which is not yet fully perfected.

I know 'tis generally thought he was much stronger, but Lists of all the Regiments are to be had with ease, which, if regard be had to the Reductions made at several times, will be found to agree perfectly with the Account I give. Yet notwithstanding so great a Reduction of his Forces, which ought to have lessen'd his Expence, 'tis most certainly known, that the very last Year his Expence exceeded his Income one Million Sterling.

'Tis true that, besides his ordinary Revenue, he has had extraordinary ways of raising Money; as the Sale of Offices already mention'd, frequently raising and falling the Standard of his Money, *Dons gratuits* which People are made to pay per Force, Registering Titles of Gentility, taxing Partizans, that is those who have had the managing of his Revenues, who were last Year forc'd to refund near a Million Sterling, and many other Expedients, which in time we may be better acquainted with, if we are pleas'd to let him go on quietly; but these have all been so often made use of, that they will be found to be of very small Ressource for the future, in a Country so much exhausted by them already.

What has stood him in greatest stead for some Years, during the last War, was the Capitation, which brought him in above three Millions Sterling yearly, and which he must again have recourse to: but how grievous an Imposition that was thought, and how ruinous it must prove to his Country, if he should be under a Necessity of continuing it but a few Years, I appeal to any who have been there, and heard the heavy Complaints it occasion'd. But a stronger proof cannot be requir'd to shew how destructive the Continuance of it would have prov'd, than that the King took it off. For his most Christian Majesty has generally been observ'd to lay as great a Load on his People as they could bear. Since then he was pleas'd to ease them of this Tax when he wanted not so Specious a Pretence to continue it as the great Debts he had contracted, we may be sure he knew it could not be done without utterly ruining, and disabling them to pay at all.

Having thus briefly touch'd upon the present Condition of France, and having a little before shewn that France, if it will make a Successful War, will, besides the necessary Garisons of his Sea-ports, be oblig'd to maintain two hundred forty seven thousand Men, viz. sixty thousand against the Forces of the Empire, forty thousand against that part of the Emperor's Troops which will act on the Rhine, seventy two thousand against the Dutch, thirty thousand against the Emperor's Army in Italy, and forty five thousand in Spain: If besides, Attention be made to what has been said concerning the prodigious Expence of his last Italian War, which he must again renew, and to the Reasons there are to believe that the War he must make in Spain will be liable to the same, and greater Inconveniences, since the Seat of War will be three times at least more remote from his Frontiers than Piedmont was: Will not the greatest Partizan of France own, that here is Work enough cut out for that Great Monarch, who must immediately raise or hire, at least a hundred thousand Men, and equip out a prodigious Fleet? Or if he will not decline the Expence of Naval Armies, he must considerably reinforce all his Sea-port Garisons, and have a very great Number of Men to guard his Coasts.

Then if it be true that his ordinary Revenue fell short one Million Sterling of maintaining the ordinary Expences of his Government, and of 120000 Men, must not that Million be made good, and must not near 200000 Land-men more besides his Fleet, and the other necessary Expences of a War, be defray'd out of the Capitation, and out of such Money as he must borrow? But out of the Capitation, supposing it may again raise three Millions, there can be apply'd but two Millions towards these vast Extraordinaries; which if by a modest Computation we reckon at six Millions Sterling, it is evident that he must every Year contract a new Debt of four Millions Sterling, besides a growing Interest, which added to his already immense Debt, must in a few Years absorb the greatest part of his Revenue in Interest.

'Twill, I know, be objected, that the last War has shewn his Power to be matchless, that he then maintain'd 400000 Men by Sea and Land, why therefore may he not do the same again? Why? For that very Reason, because a Man who has but 1000*l.* per ann. has for ten Years together spent 2000*l.* yearly, does it therefore follow, that he may do so ten Years longer? States in this resemble private Men, that if they for a considerable time expend more than 'tis possible for their Subjects to furnish yearly, they may, nay must, inevitably be ruin'd. And that a State may become Bankrupt, Spain sufficiently witnesseth, which had once a Fund of Wealth thought inexhaustible, and without Comparifon greater than that of France.

His extraordinary ways of raising Money.

The Capitation his chief Supply for some years.

The Forces he must necessarily maintain for his defence.

How he must raise Money.

He cannot maintain the same Force now as in the last War.

If I should in the sequel of this Discourse, propose our paying five Millions yearly towards a War, and our maintaining eighty thousand English or Foreign Troops abroad, because we did so during the last War, the Weakness of such an Argument would be obvious; and I should with justice be answer'd, that we have thereby contracted a considerable Debt, which every honest *Englishman* ought to desire to see pay'd off, rather than increas'd. And yet the Parallel will not fully hold between *England* and *France*: Because *England* never has been, and I hope never will be scrud up like *France*, to pay to the utmost Extremity of what it is able, and for that reason might comparatively with ease get rid of a far greater Debt than it now owes; whereas *France*, unless it shall by our inactivity get the *West-Indies*, will never be able to pay its principal Debt, but daily increase it to its utter Ruin, if we neglect not this favourable Opportunity of pressing her, before the Monarchy of *Spain*, which is at present a Burden to her, be so model'd, as to make their united Power irresistible.

From what has been said I leave it to my Reader to draw Conclusions, being unwilling to forestal his Judgment concerning the Success of a War carry'd on in the manner propos'd. His own Sagacity cannot but suggest to him many Reflections to the Advantage of *England*, which are naturally deducible from the foregoing Discourse. I shall therefore hasten to the Conclusion of it, and only take notice of the most material Objections which can be made against a War, viz.

Either the necessary Expence'twill draw on us, or the Prejudice we may sustain by the Interruption of our Trade.

Our necessary Expence in the War.

To the first, I answer, that in the manner it has been propos'd that *England* shall make a War, we may do it at an annual Expence, at most of one Million eight hundred and fifty thousand Pounds, more than would otherwise be levy'd. For we will take it for granted, that tho we remain in Peace, we should find it necessary to maintain at least as great a Sea-Force as was done the first Year after the Peace, which would cost us eight hundred thousand Pounds; to which if we add, one Million two hundred thousand Pounds for the War, 'twill abundantly strengthen our Fleet; especially if we consider that out of the Forces now on Foot in the three Kingdoms, eight or ten thousand Men may be kept on board it, which will save the Expence of near such a number of Seamen. The Aid propos'd to be given the Dutch, whether in Men or Money, or in taking upon us a greater Proportion of the War by Sea, will come within 200000 Pounds. The Addition propos'd to our Forces in the three Kingdoms, to fill up Regiments to a necessary Complement, may be limited to 150000 l. And if besides all this it be thought requisite to furnish 300000 l. yearly to enable the King of *Portugal* and Arch-Duke to press our Enemies on their weak side, this whole additional Expence will amount to 1850000 l. which whether *England* be not better able to bear than it has been shewn that *France* can the necessary annual Extraordinaries of 6000000 l. Sterling which such a War must force it to levy, let the most partial French-man determine.

Religion and Liberty can't be too dearly purchas'd.

I will not then suppose that any English-man will think the Preservation of his Religion and Liberty too dearly purchas'd at that rate. Such an undervaluing of those Blessings none can be capable of, whose Hearts are not harden'd, and who are not doom'd to utter Perdition. But that cannot be thought of a People, whom the Hand of God hath so lately rescu'd from the imminent Danger they were in of losing both; nor can it be presum'd that they will now so far tempt his Providence, as to neglect the Opportunity he has visibly put into their hands, not only of securing to themselves for ever those inestimable Blessings, but likewise of propagating his holy Gospel, by procuring Ease to the many persecuted Protestants both of *France* and *Germany*. For can the Emperor now refuse us any thing of that kind, which we shall think fit to stipulate? and may we not promise our selves in a few Years, to have so far humbl'd *France* as will be necessary for so good an End? As to what may be objected concerning Trade, I answer, That granting our Trade to the *Straits* should suffer an Interruption by the War, such an Inconvenience would be far less than the Total Loss of it, not only thither, but to the *West-Indies*, besides the Loss of the Manufacture of our fine Drapery, which it has been prov'd will be one of the necessary Consequences of our sitting still.

Our Turkey and Italian Trade may not suffer by the War.

Yet I can see no necessity of granting that our *Turkey* and *Italian* Trades will suffer by the War, if we will suppose our Maritime Affairs to be well manag'd. The War we are to make must be altogether by Sea, and consequently implies a necessity of our having every Summer a Strong Fleet in the *Mediterranean* to harass our Enemies there; why then our Traders thither may not be protected by that same Force,

I cannot see. And if strict Prohibitions be made against any Ships going thither, but under the Convoy of our Men of War at set Seasons; 'tis probable much fewer will be lost than were during the last War. For the Convenience of being shelter'd in Spanish Ports, prov'd a Temptation then for many Merchant-Ships to run without Convoy: whereas none will now be so adventurous as to hazard a run to Turkey or to Italy along so vast a Tract of an Enemy's Coast. Our Trade to Spain it self, which I own to be very considerable, will indeed be at a stand till the Success of our Confederate Armies and Fleets re-admit us thither; but then a moderate Strength well manag'd in America will abundantly compensate for that Loss.

Whoever knows the Weakness of the Spaniards in those Parts, and remembers that Pointi with a handful of Men took Carthagena, a well-fortify'd Town, and which had five times the Number of Men to defend it that he had on board his Ships, cannot deny but there is a plentiful Harvest for whoever can send a good Fleet to gather it. If we take care to have a Force in those Seas superior to the French, our Plantations are so conveniently situated that not a Galleon coming or going can escape us. How much such an Interruption of all Commerce thither would distress Spain, is apparent; and it probably might be none of the weakest Reasons to incline that People to side with us.

The Wealth we shall thereby acquire will not only defray the Expence of the Force we shall maintain there, but with good Management may go a great way towards the Charge of the whole War: and 'twill be the fault of our Commanders if all the French Colonies there be not rooted out, which for these Reasons we ought chiefly to aim at. 1st. It will greatly weaken the French Power at Sea, by destroying so great a Nursery of their Seamen. 2^{ly}. We shall lose a dangerous Rival in our Sugar Trade as well as in some others, which they have in common with us by means of their Colonies in the Southern Isles. 3^{ly}. This will very much increase our Trade in Africa for Negroes, and ruin that of the French. For every one knows that none can carry on a Trade for Negroes but such as have a footing in America. The Consequence therefore of our expelling the French will be, that the Spaniards must depend absolutely upon us for their Negroes, without which their Mines will be barren; besides that our Power being freed from such a Rivalship will be so much superior to any thing in those parts of the World, that the Spaniards can have no Ballance, nor Force there to protect them against us: so that for fear of their Plate Fleets and of their very Empire in America, 'twill be always in our Power to obtain greater Privileges from them in our Trade thither, than any other Nation could pretend to; for which Reasons I submit it to every Englishman, whether it ought not to be one of our great Aims, by this War, utterly to extirpate the French out of America? Such an Undertaking will appear more feasible, if we consider that Matters may be so carry'd, as to deprive the French of any Assistance from the Spaniards, which I believe may be done by consenting to a Neutrality with all the Spanish Continent and Islands, on condition they shall, during the War, allow us a free Trade with them.

If such a Neutrality can be manag'd, we shall not only with greater ease destroy the French there, which ought to be our principal Aim, but probably be greater Gainers by a free Trade, than by the Plunder of their Country; if we make War upon it, it would certainly prove more beneficial to the Trading Interest and Manufactures of England. For if by our Naval Power there, we hinder that vast Country from being supply'd with any European Commodities, from any other hand, shall we not have a prodigious Vent for all the Manufactures of our own Growth, as well as for our East-India Commodities and Linen, &c?

May not the Access we shall thus get to those People, introduce a Vent for many of our Commodities which the Spaniards have always industriously kept from their Knowledge? Shall we not likewise trade to a far greater Advantage than has been done hitherto, since we have always been oblig'd to trust the Spaniards at Cadiz, who certainly shad'nd the Profit with us? besides the exorbitant Indulto's or Duties exacted by the Government both in Europe and America.

May we not thus during the War give a beginning to such a Commerce directly from our Plantations to the Spanish Continent, as may be continu'd after a Peace, to the unspeakable benefit of England? For when once the Americans will have discover'd at how much more easy rates we can supply them than the Spaniards have done, will they not for their own sakes endeavour to continue it? And shall we not have Reason to expect the Allowance of it, from the new King we shall have seated on the Spanish Throne?

This

This Neutrality cannot displease the Inhabitants there.

This Notion of a Neutrality may displease the Buckaneers, and perhaps our Sea-Commanders, who would find their Account better by plundering that rich Country. And it may perhaps be thought ridiculous to suppose that the Government of those Provinces, who will have strict Orders to do all they can to extirpate us, can ever be brought to consent to it. But to that I answer; that if we have a Power sufficient to burn and destroy their Country, 'tis much more probable that the present Terror of our Arms will prevail with that wealthy but defenceless People, than the Orders they shall receive from the unsettled Government of *Spain*; and that they will much more willingly part with their Gold and Silver in return for our Commodities, which 'tis in our Power to hinder them from being supply'd with any other way, than expose themselves to be plunder'd of their Riches, and their Maritime Provinces to utter Destruction.

We know that the French Fleets during the last War, have frequently been supply'd with Refreshments of all kinds from the Governours of several Maritime Towns in *Spain* it self: How much more likely is it then, that the remote Provinces we are speaking of, will, by a like Compliance, endeavour to shun their utter Ruin? especially when they will be in doubt of the Fate of their Mother-Country, or to which of the Princes contending for the Empire of it, they will owe their Obedience. In such an Uncertainty, will not a weak and rich Country incline to such Measures as will bring Security and Profit? The Advantages that would accrue to us from such a Neutrality, appear to be so great, that we ought carefully to court them to it. And should that Method fail, we shall still have it in our Power to make them repent their not accepting of it, and by harsher Means to acquire an immense Treasure.

POSTSCRIPT.

SOME Addressees of the House of Commons to King *Charles* the Second relating to *Flanders*, have been mention'd in the foregoing Discourse: Since the printing of which we have News from *Paris*, that Orders are sent there to *Mareschal Boufflers*, not only to take possession of all the Spanish Netherlands, but to disarm and seize the Dutch Troops in Garrison there; and we have reason to fear that those Orders are already executed. It may therefore not be unreasonable to offer to the Publick, the very Addressees made to King *Charles*, with his Answers: By which it will appear what was the Sense of *England* at that Time, upon the progress of the French Arms in those Provinces.

March the 6th, 1676. The House being Resolv'd into a Committee of the whole House, to consider of Grievances, Resolved,

Resolution of the H. of Commons in 1676.

That a Committee be appointed to prepare an Address, to represent unto his Majesty the Danger of the Power of France; and to desire his Majesty by such Alliances as his Majesty shall think fit, to secure his Kingdoms, and quiet the Fears of his People, and for preservation and securing of the Spanish Netherlands.

March the 10th, Mr. Powle reported from the Committee the following Address, which was presented, read and agreed to *Nemine Contradicente*.

May it please your Majesty;

Their Addressees to the King thereupon.

WE your Majesty's most Loyal Subjects, the Knights, Citizens and Burgeesses in Parliament assembled, find our selves oblig'd, in Duty and Faithfulness to your Majesty, and in discharge of the Trust reposed in us by those whom we represent, most humbly to offer to your Majesty's serious Consideration, That the Minds of your Majesty's People are much disquieted, with the manifest Danger arising to your Majesty's Kingdoms by the Growth and Power of the French King; especially by the Acquisitions already made, and the further Progress likely to be made by him in the Spanish Netherlands, in the preservation and security whereof, we humbly conceive the Interest of your Majesty, and the Safety

of your People are highly concern'd; and therefore we most humbly beseech your Majesty to take the same into your Royal Care, and to strengthen your Self with such stricter Alliances, as may secure your Majesty's Kingdoms, and preserve and secure the said *Netherlands*, and thereby quiet the Minds of your Majesty's People.

Resolved,

That the Concurrence of the Lords be desir'd to the said Address, and that Mr. Powle do go up to the Lords to desire their Concurrence. And upon the 15th of March, the Lords sent word that they had agreed to the Address, and that his Majesty had appointed both Houses to attend him, to present their Address to morrow at Three of the Clock in the Afternoon, in the Banqueting House at White-hall.

March the 16th, The Address was presented to his Majesty by both Houses; and March the 17th Mr. Speaker reported to the House, that according to the Order and Command of the House, he had attended his Majesty in presenting the Address, and that the Lord Chancellor having introduc'd it with a short Preface, and then read it, his Majesty was pleas'd to return his Answer to this effect.

My Lords and Gentlemen,

I Am of the Opinion of my Two Houses of Parliament, that the Conservation of Flan- The King's ders is of great Importance to England; and therefore I assure you, I will use all Means for the preservation of Flanders, that can possibly consist with the Peace and Safety of the Kingdom. Answer to it.

March the 19th. A Motion being made for a farther Address to his Majesty, to enter into a strict and speedy Alliance with the Confederates;

Resolved,

That the Debate of this Motion be adjourn'd till Monday Morning next at Ten of the Clock.

Monday, March the 26th. The House then proceeded upon the Debate of the Motion for a farther Address to his Majesty, to enter into a speedy and strict Alliance with the Confederates.

Resolved,

That a farther Address be made to his Majesty, giving him assurance that if (in pursuance of the Address presented to his Majesty from both Houses) his Majesty shall find himself necessitated to enter into a War, this House will fully aid his Majesty from time to time, and assist him in that War.

The 29th of March, The following Address was reported and agreed unto by the House,

May it please your Majesty;

WE your Majesty's most Loyal Subjects, the Knights, Citizens and Burgesses Their ad in Parliament assembled, do, with unspeakable Joy and Comfort, pre- Address to sent our humble Thanks to your Majesty, for your Majesty's gracious Acceptance the King to of our late Address, and that your Majesty was pleas'd in your Princely Wisdom, enter into to express your Concurrence and Opinion with your Two Houses, in reference to stricter Al- the preservation of the *Spanish Netherlands*. And we do with most earnest and liances. repeated Desires, implore your Majesty, That you would be pleas'd to take timely Care to prevent those Dangers that may arise to these Kingdoms by the great Power of the French King, and the Progress he daily makes in those *Netherlands* and other Places; and therefore that your Majesty would not defer the entering into such Alliances as may obtain those Ends: And in case it shall happen, that in pursuance of such Alliances, your Majesty shall be engag'd in a War with the French King, we do hold our selves oblig'd, and do with all humility and cheerfulness assure your Majesty, That we your most Loyal Subjects shall always be ready upon your Signification thereof in Parliament, fully, and from time to time, to assist your Majesty with such Aids and Supplis, as, by the Divine Assistance, may enable your Majesty to prosecute the same with success.

All which we do most humbly offer to your Majesty, as the unanimous Sense and Desire of the whole Nation.

March

March 30. 1677.

Debates in
the House
against the
same.

It was alledg'd against this Address, That to press the King to make further Alliances with the Confederates against the French King, was in-effect to press him to a War, that being the direct and unavoidable Consequence thereof.

That the Consideration of War was most proper for the King, who had intelligence of Foreign Affairs, and knew the *Arcana Imperii*.

That it was a dangerous thing hastily to incite the King to a War.

That our Merchant-ships and Effects would be presently seiz'd by the French King within his Dominions, and thereby he would acquire the Value of, it may be, near a Million, to enable him to maintain the War against us.

That he would fall upon our Plantations, and take, plunder and annoy them.

That he would send out abundance of Capers, and take and disturb all our Trading Ships in these Seas, and the *Mediterranean*.

That we had not so many Ships of War as he, and those Thirty which were to be built with the 600000 *l.* now given, could not be finish'd in two Years.

That we had not Naval Stores and Ammunition, &c. sufficient for such a purpose; and if we had, yet the Season of the Year was too far advanc'd to set out a considerable Fleet; and we could not now lay in Beef, Pork, &c.

That when we were engag'd in a War, the Dutch would likely slip Collar, leave us in the War, and so gain to themselves the singular Advantage of sole Trading in Peace, which is the Privilege we now enjoy, and should not be weary of.

That it was next to impossible to make Alliances with the several Parties as might be expected, such and so various were the several Interests, and Cross-biasses of and amongst the Emperor, the Spaniard, the Dane, the Dutch, the Brandenburg, and the several lesser Princes of *Germany*, and others.

That we may easily enter into War, but it would be hard to find the way out of it, and a long War would be destructive to us; for tho the Emperor, French, Spaniard, &c. use to maintain War for many Years, yet a Trading Nation, as *England* is, could not endure a long-winded War.

On the other side it was said;

And for it.

That they did not address for making War, but making Leagues, which might be a means to prevent War.

That the best way to preserve Peace, was to be in a preparation for War.

That admitting a War should ensue thereupon, as was not unlikely, yet that would tend to our Peace and Safety in conclusion; for it must be agreed, that if the Power of *France* were not reduc'd, and brought to a more equal Ballance with its Neighbours, we must fight or submit first or last.

That it was commonly the Fate of those that kept themselves Neutral, when their Neighbours were at War, to become a Prey to the Conqueror.

That now or never was the critical Season to make War upon the French, whilst we may have so great Auxiliary Conjunction; and if it were a dangerous and formidable thing to encounter him now, how much more would it be so when this Opportunity was lost, the Confederacy disbanded, a Peace made on the other side of the Water, and we left alone to withstand him single?

That as to his seizing our Merchants Effects, the Case was (the same and) no other now than it would be three Years hence, and at any time whensoever the War shall commence.

That as to our Plantations and our Traders, we must consider, tho the French was Powerful, he was not Omnipotent; and we might as well defend them as the Dutch do theirs, by Guards, Convoys, &c. and chiefly when the French have so many Enemies, and we shall have so many Friends as no other time is like to afford.

That they were sorry to hear we had no Ships, Stores, &c. equal to the French, and to our Occasions, and hop'd it would appear to be otherwise.

That the Season was not so far spent, but that a competent Fleet might be set out this Summer; and that however deficient we might be in this kind, the Dutch were forward and ready to make an effectual Supplement in that behalf.

That howsoever ill and false some Men might esteem the Dutch, yet Interest will not lie; and it is so much their Interest to confine and bring down the French, hat
it

it is not to be apprehended, but they will steddily adhere to every Friend, and every Alliance they shall join with for that purpose.

That however cross and diverse the several Confederates and their Interests were, yet a common Alliance may be made with them against the French; and as well as they have Allied themselves together, so well may the Alliance be extended to another to be added to them, *viz.* The King of *England*.

That a numerous and vigorous Conjunction against him is the way to shorten the Work; whereas if he should hereafter attack us singly, he would continue the War on us as long as he pleas'd, till he pleas'd to make an end of it and us together by our final destruction.

That if now we should neglect to make Alliances, we had no cause to expect to have one Friend when the French should make Peace beyond Sea, and single us out for Conquest; for all that are conjoin'd against the French, are provok'd and oblig'd by reason of the great number of English, Scotch, and Irish, which have serv'd, and do still serve the French: and it was prov'd at the Bar of this House within this fortnight, That 1000 Men were levy'd in *Scotland*, and sent to the French Service in *January* last, and some of them by force and pressing.

Also that it was understood and resent'd, that we had mainly contributed to this over-grown Greatness of the French, by selling *Dunkirk*, that special Key and Inlet of *Flanders*; by making War on the Dutch in 1665. whereupon the French join'd with the Dutch; under which shelter and opportunity the French King laid the Foundation of this great Fleet he now hath, buying then many great Ships of the Dutch, and building many others: as to which, but for that occasion, the Dutch would have deny'd and hindred him; but not observing the Triple League, and by our making a joint War with the French against the Dutch, in which the French yet proceeds and triumphs, in this respect we have much to redeem and retrieve.

That Enmity against the French, was the thing wherein this divided Nation did unite; and this Occasion was to be laid hold on as an Opportunity of moment among our selves.

That the Bent and Weight of the Nation did lean this way, and that was a strong Inducement and Argument to incline their Representatives.

That it had been made appear, and that in Parliament, that upon the Ballance of the French Trade, this Nation was determin'd yearly 900000 *l.* or a Million, the Value of the Goods imported from *France* annually, so much exceeding that of the Goods exported hence thither: whereby it is evident, that such a Sum of the Treasure and Mony of the Nation was yearly exhausted and carry'd into *France*; and all this by unnecessary Wines, Silks, Ribbons, Feathers, &c. The saving and retrenching of which Expence and Exhaustion, will in a great degree serve to maintain the Charge of a War.

That the present was the best time for the purpose, and that this would give Reputation to the Confederates, and Comfort and Courage to our best Friends immediately, and Safety to our Selves in Futurity, against the *Old perpetual Enemy of England*.

The Second Address was presented to his Majesty *March* the 30th, and no Answer return'd till *April* the 11th. In which Interval the News came of the French taking of *Valenciennes* and *St. Omers*, and the Defeat of the Prince of *Orange* at *Mont-Cassel*. Upon which this following Answer was offer'd to the Speaker from his Majesty by Mr. Secretary *Williamson*.

C. R.

HIS Majesty having consider'd your last Address, and finding some late Alterations in Affairs abroad, thinks it necessary to put you in mind, that the only way to prevent the Dangers which may arise to these Kingdoms, must be by putting his Majesty timely in a Condition to make such fitting Preparations as may enable Him to do what may be most for the Security of them. And if for this Reason you shall desire to sit any longer time, his Majesty is content you may Adjourn now before *Easter*, and meet again suddenly after to ripen this Matter, and to perfect some of the most necessary Bills now depending.

Given at our Court at *White-Hall* the 11th of *April* 1677.

This occasion'd a long Debate, and concluded in voting the following Answer, which was presented to His Majesty by the Speaker and the whole House, on Friday, April 13. 1677.

May it please your most Excellent Majesty,

*The Answer
of the Com-
mons to the
Message.*

WE Your Majesty's most Dutiful and Loyal Subjects, the Commons in this present Parliament assembled, do with great Satisfaction of Mind observe the regard your Majesty is pleas'd to express to our former Addressee, by intimating to us the late Alteration of Affairs abroad; and do return our most humble Thanks for your Majesty's most gracious Offer made to us thereupon in your last Message: and having taken a serious Deliberation of the same, and of the Preparations your Majesty hath therein intimated to us, were fitting to be made in order to those publick Ends, we have for the present provided a security in a Bill, for an Additional Duty of Excise, upon which your Majesty may raise the Sum of 200000 l. And if your Majesty shall think fit to call us together again for this purpose, in some short time after *Easter*, by any publick Signification of your Majesty's Pleasure, commanding our Attendance; we shall at our next meeting not only be ready to re-imburse your Majesty what Sums of Money shall be expended upon such extraordinary Preparations, as shall be made in pursuance of our former Addressee; but shall likewise with most chearful Hearts proceed both then, and at all other times, to furnish your Majesty with so large Proportions of Assistance and Supplies upon this Occasion, as may give your Majesty and the whole World, an ample Testimony of our Loyalty and Affection to your Majesty's Service, and as may enable your Majesty by the Help of Almighty God, to maintain such stricter Alliances as you shall have entred into against all Opposition whatsoever.

This Address was presented April the 13th; and upon Easter-Monday, April 16th, another Message in writing from His Majesty, was deliver'd by Secretary Williamson to the House of Commons, (viz.)

C. R.

*Another
Message by
Secretary
William-
son.*

HIS Majesty having consider'd the Answer of this House to his last Message about enabling him to make fitting Preparations for the security of these Kingdoms, finds by it that they have only enabled him to borrow 200000 l. upon a Fund given him for other Uses; His Majesty desires therefore this House should know, and he hopes they will always believe of him, that not only that Fund but any other within his Power shall be engag'd to the utmost for the Preservation of his Kingdoms: but as His Majesty's Condition is (which His Majesty doubts not but is as well known to this House as himself) he must tell them plainly, that without the Sum of 600000 l. or Credit for such a Sum, upon new Funds, it will not be possible for him to speak or act those things which should answer the Ends of their several Addressee, without exposing the Kingdom to much greater Danger. His Majesty doth further acquaint you, that having done his Part, and laid the true State of things before you, he will not be wanting to use the best Means for the Safety of his People, which his present Condition is capable of.

Given at our Court at White-Hall, April 16. 1677.

*Debates
upon the
said Mes-
sage*

Thereupon the House fell into present Consideration of an Answer, and in the first place it was agreed to return great thanks to His Majesty, for his Zeal for the Safety of the Kingdom, and the Hopes he had given them that he was convinc'd and satisfy'd, so as he would speak and act according to what they had desir'd; and they resolv'd to give him the utmost assurance, that they would stand by him, and said no Man could be unwilling to give a fourth or third part to save the residue. But they said they ought to consider, that now they were a very thin House, many of their Members being gone home, and that upon such a Ground as they could not well blame them; for it was upon a Presumption that the Parliament should rise before *Easter*, as had been intimated from His Majesty within this fortnight, and universally expected since: and it would be Un-Parliamentary, and very ill taken by their Fellow-Members, if in this their absence, they should steal the privilege of granting Money, and the Thanks which are given for it;

it; that this was a National Business, if ever any were, and therefore fit to be handled in a full National Representative and if it had hitherto seem'd to go up hill, there was a greater Cause to put the whole shoulder to it, and this would be assuring, animating, and satisfactory to the whole Nation. But they said it was not their mind to give or suffer any delay, they would desire a Recess but for three Weeks, or a Month at most.

And the 200000*l.* which they had provided for present use, was as much as could be laid out in the mean time; tho his Majesty had 600000*l.* more ready told upon the Table.

And therefore they thought it most reasonable and advisable, that His Majesty should suffer them to adjourn for such a time; in the Interim of which His Majesty might, if he pleas'd, make use of the 200000*l.* and might also compleat the desir'd Alliances, and give notice by Proclamation to all Members to attend at the time appointed.

The Answer is as followeth, and was read and agreed to the same day.

May it please your Majesty.

WE your Majesty's most Loyal Subjects, the Commons in this present Par-^{Their An-}liament assembled, having consider'd your Majesty's last Message, and ^{swer to it.} the gracious Expressions therein contain'd, for employing your Majesty's whole Revenue at any time to raise Money for the Preservation of your Majesty's Kingdoms; do find great Cause to return our most humble Thanks to your Majesty for the same, and to desire your Majesty to rest assur'd, that you shall find as much Duty and Affection in us, as can be expected from a most Loyal People to their most gracious Sovereign. And whereas your Majesty is pleas'd to signify to us, that the Sum of 200000*l.* is not sufficient without a further Supply, to enable your Majesty to speak or act those things which are desir'd by your People; We humbly take leave to acquaint your Majesty, that many of our Members being (upon an Expectation of an Adjournment before *Easter*) gone into their several Countries, we cannot think it Parliamentary in their Absence, to take upon us the granting of Money, but do therefore desire your Majesty to be pleas'd, that this House may adjourn it self for such a short time, before the Sum of 200000*l.* can be expended, as your Majesty shall think fit, and by your Royal Proclamation to command the Attendance of all our Members at the day of meeting. By which time we hope your Majesty may have so form'd your Affairs and fix'd your Alliances, in pursuance of our former Addresses, that your Majesty may be graciously pleas'd to impart them to us in Parliament; and we no ways doubt but at our next assembling, your Majesty will not only meet with a Compliance in the Supply your Majesty desires, but withal, such farther Assistance as the Posture of your Majesty's Affairs should require. In Confidence whereof, we hope your Majesty will be encourag'd in the mean time to speak and act such things as your Majesty shall judg necessary for attaining those great Ends, as we have formerly represented to your Majesty.

Upon this the Parliament was adjourn'd from *April* the 16th to the 21st of *May* following; when they met, and adjourn'd till *Wednesday May* the 23^d, at which time His Majesty sent a Message, for the House to attend him presently at the Banqueting House in *Whitehall*, where he made the following Speech to them.

Gentlemen,

I Have sent for you hither, that I might prevent those Mistakes and Distrusts ^{The King's} which I find some are ready to make, as if I had call'd you together only ^{Speech to} to get Money from you, for other Uses than you would have it employ'd. I do ^{em at their} assure you, on the Word of a King, That you shall not repent any Trust you ^{meeting.} repose in me, for the safety of my Kingdoms; and I desire you to believe, I would not break my Credit with you: but as I have already told you, that it will not be possible for me to speak or act those things, which should answer the Ends of your several Addresses, without exposing my Kingdoms to much greater Dangers, so I declare to you again, I will neither hazard my own

‘ Safety, nor yours, until I be in a better Condition than I am able to put myself, both to defend my Subjects and offend my Enemies.

‘ I do further assure you, I have not lost one day since your last meeting, in doing all I could for your Defence; and I tell you plainly, it shall be your fault and not mine, if your Security be not sufficiently provided for.

The Commons returning to their House, and the Speech being read, they resolv’d into a Committee of the whole House to consider of it. There was an extraordinary full House, and the following Vote pass’d, upon the Question, with very general Consent, there being but two negative Voices to it.

Resolv’d,

Their Resolution upon this Speech.

THAT an Address be made to the King, that his Majesty would be pleas’d to enter into a League, Offensive and Defensive, with the States General of the United Provinces, and to make such other Alliances with others of the Confederates, as His Majesty shall think fit, against the Growth and Power of the French King, and for the Preservation of the Spanish Netherlands; and that a Committee be appointed to draw up the Address, with Reasons why this House cannot comply with His Majesty’s Speech, until such Alliances be entered into; and further shewing the necessity of the speedy making such Alliances; and when such Alliances are made, giving His Majesty Assurance of speedy and cheerful Supplies, from time to time, for supporting and maintaining such Alliances.

To which (the Speaker re-assuming the Chair, and this being reported) the House agreed, and appointed a Committee.

And adjourn’d over *Ascension-Day* till Friday.

In the Interim, the Committee appointed met, and drew the Address according to the above-mention’d Order, a true Copy of which is here annex’d.

Their Address.

May it please your most Excellent Majesty,
YOUR Majesty’s most loyal and dutiful Subjects, the Commons in Parliament assembled, having taken into their serious Consideration your Majesty’s gracious Speech, we do beseech your Majesty to believe it is a great Affliction to them, to find themselves oblig’d (at present) to decline the granting your Majesty the Supply your Majesty is pleas’d to demand, conceiving it is not agreeable to the Usage of Parliament, to grant Supplies for Maintenance of Wars and Alliances, before they are signify’d in Parliament (which the two Wars against the States of the United Provinces, since your Majesty’s happy Restoration, and the League made with them in January 1668. for Preservation of the Spanish Netherlands, sufficiently prove, without troubling your Majesty with Instances of greater Antiquity) from which Usage if we should depart, the Precedent might be of dangerous Consequence in future times, tho’ your Majesty’s Goodness gives us great Security, during your Majesty’s Reign, which we beseech God long to continue.

‘ This Consideration prompted us in our last Address to your Majesty, before our late Recess, humbly to mention to your Majesty our hopes, that before our meeting again your Majesty’s Alliances might be so fix’d, as that your Majesty might be graciously pleas’d to impart them to us in Parliament, that so our earnest Desires of supplying your Majesty, for prosecuting those great Ends we had humbly laid before your Majesty, might meet with no Impediment or Obstruction; being highly sensible of the necessity of supporting, as well as making the Alliances, humbly desir’d in our former Addresses, and which we still conceive so important to the Safety of your Majesty and your Kingdoms, that we cannot (without Unfaithfulness to your Majesty and those we represent) omit upon all Occasions, humbly to beseech your Majesty, as we now do, *To enter into a League, Offensive and Defensive, with the States General of the United Provinces, against the Growth and Power of the French King, and for the Preservation of the Spanish Netherlands, and to make such other Alliances, with other such of the Confederates, as your Majesty shall think fit and useful to that end; in doing which (that no time may be lost) we humbly offer to your Majesty these Reasons for the expediting of it.*

1. That

1. That if the entering into such Alliances should draw on a War with the *French King*, it would be less detrimental to your Majesty's Subjects at this time of the Year, they having now fewest Effects within the Dominion of that *King.*

2. That tho we have great reason to believe, the Power of the *French King* to be dangerous to your Majesty and your Kingdoms, when he shall be at more leisure to molest us; yet we conceive the many Enemies he has to deal with at present, together with the Situation of your Majesty's Kingdoms, the *Unanimity of the People in this Cause*, the Care your Majesty has been pleas'd to take of your ordinary Guard for the Sea, together with the Credit provided by the late Act, for an Additional Excise for three Years, make the entering into, and declaring Alliances very safe, until we may in a regular way give your Majesty such further Supplies, as may enable your Majesty to support your Alliances, and defend your Kingdoms.

3. Because of the great Danger and Charge which must necessarily fall upon your Majesty's Kingdoms, if (thro want of that timely Encouragement and Assistance which your Majesty, joining with the States General of the *United Provinces*, and other the Confederates, would give them) the said States, or any other considerable part of the Confederates should this next Winter, or Summer, make a Peace or Truce with the *French King* (the *Prevention whereof must hitherto be acknowledg'd a singular Effect of God's Goodness to us*) which if it should happen, your Majesty would be afterwards necessitated with fewer, perhaps with no Alliances or Assistance, to withstand the Power of the *French King*, which hath so long, and so successfully contended with so many, and so potent Adversaries; and whilst he continues his overballancing Greatness, must always be dangerous to his Neighbors, since he would be able to oppress any one Confederate, before the rest could get together, and be in so good a Posture of offending him as they now are, being jointly engag'd in a War. And if he should be so successful as to make a Peace, or disunite the present Confederation against him, it is much to be fear'd, whether it would be possible ever to re-unite it; at least it would be a Work of so much time and difficulty, as would leave your Majesty's Kingdoms expos'd to much Misery and Danger.

Having thus discharg'd our Duty, in laying before your Majesty, the Dangers threatening your Majesty and your Kingdoms, and the only Remedies we can think of, for the preventing, securing and quieting the Minds of your Majesty's People, with some few of those Reasons which have mov'd us to this, and our former Address'es, on this Subject; We most humbly beseech your Majesty, to take this matter into your most serious Consideration, and to take such Resolutions, as may not leave it in the Power of any Neighboring Prince to rob your People of that Happiness which they enjoy under your Majesty's gracious Government; beseeching your Majesty to rest confident and assur'd, that when your Majesty shall be pleas'd to declare such Alliances in Parliament, We shall hold our selves oblig'd, not only by our Promises and Assurances given, and now with great Unanimity renew'd in a full House, but by the Zeal and Desires of those whom we represent, and by the Interests of all our Safeties, most chearfully to give your Majesty such Speedy Supplies and Assistances, as may fully and plentifully answer the Occasions, and by God's Blessing preserve your Majesty's Honor, and the Safety of the People.

All which is most humbly submitted to your Majesty's great Wisdom.

Friday May 25. 1677.

Sir John Trevor reported from the said Committee the Address, which was read and agreed to, and order'd that those Members of the House, who were of His Majesty's Privy-Council, should move His Majesty to know his Pleasure, when the House might wait upon him with their Address.

Saturday

Saturday May 26. 1677.

*The same
presented
to the King.*

The House being sat, had notice, by Mr. Secretary *Coventry*, that the King would receive their Address at three in the Afternoon; at which time they attended the King with it, at the Banqueting-House in *Whitehall*. Which being presented, the King answer'd, *That it was long, and of great Importance; that he would consider of it, and give them an Answer as soon as he could.*

The House adjourn'd till *Monday, May the 28th*. When being sat, they receiv'd notice by Secretary *Coventry*, that the King expected them immediately in the Banqueting-House. Whither being come, the King made a Speech to them on the Subject of their Address; which Speech, to prevent Mistakes, his Majesty read out of his Paper, and then deliver'd the same to the Speaker. And his Majesty added a few Words about their Adjournment.

The King's Speech is as followeth.

Gentlemen,

*The King's
Speech in
answer to
their Ad-
dress.*

COULD I have been silent, I would rather have chosen to be so, than to call to mind things so unfit for you to meddle with, as are contain'd in some parts of your late Addresses, wherein you have entrench'd upon so undoubted a Right of the Crown, that I am confident it will appear in no Age (when the Sword was not drawn) that the Prerogative of making Peace and War hath been so dangerously invaded.

You do not content your selves with desiring me to enter into such Leagues as may be for the safety of the Kingdom, but you tell me what sort of Leagues they must be, and with whom; and (as your Address is worded) it is more liable to be understood, to be by your Leave, than at your Request, that I should make such other Alliances as I please with others of the Confederates.

Should I suffer this Fundamental Power, of making Peace and War, to be so far invaded (tho but once) as to have the Manner and Circumstances of Leagues prescrib'd to Me by Parliament, it's plain that no Prince or State would any longer believe, that the Sovereignty of *England* rests in the Crown; nor could I think my self to signify any more to Foreign Princes, than the empty Sound of a King. Wherefore you may rest assur'd, that no Condition shall make me depart from, or lessen so Essential a part of the Monarchy. And I am willing to believe so well of this House of *Commons*, that I am confident, these ill Consequences are not intended by you.

These are in short the Reasons, why I can by no means approve of your Address; and yet tho you have declin'd to grant me that Supply, which is necessary to the Ends of it, I do again declare to you, That as I have done all that lay in my Power, since your last meeting, so I will still apply my self by all the means I can, to let the World see my Care for the Security and Satisfaction of my People, altho it may not be with those Advantages to them, which by your Assistances I might have procur'd.

And having said this, he signify'd to them, they should adjourn till the 16th of July next: And upon meeting then, were adjourn'd till the 3d day of December.

May it not be worth remembering, who advis'd His Majesty to make such an Answer to his Parliament?

A Letter to a Friend concerning the Partition-Treaty.

S I R,

I Return you many Thanks for the trouble you have given your self, in letting me know so regularly the Progress of Affairs during this Session of Parliament, which (God be thanked for it) is now come to an end; this was indeed much long'd for. I did not increase your trouble, by putting you then to explain some things, which at this distance were not well understood by us; but now that you are more at leisure, and that I know you have Opportunities of hearing Matters as freely talk'd of, almost as they were at St. Stephen's Chappel, I desire to know what indifferent Men and good Judges say of the Partition-Treaty. We in the Country do generally agree with our Representatives in condemning it. It seems strange to us that our King, who was rais'd and advanc'd by his perpetual Opposition to the Court of France, who was provok'd not only to persist in it by all possible Indignities to his Person, and by their setting on so many Conspiracies against his Life, but by all the strongest Considerations, both of Interest and Religion, could be prevail'd on to treat with them, to trust them, and to procure them such an Addition of Empire as the Partition-Treaty gave them. It seems to us, that this perhaps may have driven the Spaniards to those desperate Courses they have taken, while they hop'd, by their late King's Will, to have kept their Monarchy intire; tho instead of saving the Whole, they have deliver'd it all over into the hands of the French, without a possibility of Redemption, unless others take more care of them, than they have done of themselves. If I judg of this Matter wrong, I desire you will set me right. I am so much inclin'd not only to wish well, but to think well of the King, that it raises in me a great uneasiness to see a Cloud on any of his Actions and Counsels, which gives them an ill appearance. I expect your Answer to this, and without more Ceremony,

I am Yours, &c.

S I R,

NOW the Scene of Affairs is shifted, and that I have nothing more to tell you from the two Houses, I refer you to the Prints for the publick News, and so hop'd I might be respited for some time. But I see I am not yet quite at Liberty, you are putting me now on the hardest Task in the World, to write of Politicks. It is an easy thing to tell you what this or t'other Man said, even *H—w's* Speeches cost me only the Trouble of writing out what I remember'd of them; tho the abusive strains in them came so thick that one drove out another: Only they were so oft repeated, that what was lost at one time was recover'd at another. But I am call'd on by you to treat of Matters that I do not perfectly understand, nor can I arrive at a full Information about them. You begin right at the Partition-Treaty, which is said to have been the Occasion of all the Miseries that we feel or fear. And since you will have me tell you my thoughts of it, I will do it very freely. You know I am not apt to flatter, or to think well of things because they are done by Men of a high Character: My Bias lies another way: There is so much Occasion given for Censure, that common Observation makes a Man fall very naturally into a Disposition of thinking the worst, both of Men and Things.

I have no Excuse to make for our Court's trusting the French, or for their entering cordially into their Concerns. If I thought the King was capable either of loving or trusting them, I could not maintain in my Heart that Affection and Confidence

*The Answer
to the fore-
going.
King can't
love the
Fr. Court.*

The Occasion of the Partition Treaty.

Confidence which I owe him: It is impossible for me to believe it, he knows them too well, and has had too much Practice in Affairs to be guilty of such an Error.

As far as I understand the Matter, this was the Case. We and the *Dutch* had got thro a great War at a vast Charge, and with infinite danger: We saw the weakness of *Spain* in the Business of *Barcelona*: There was no reckoning on them as capable of making a stand if the King of *France* were freed from a War, since when that press'd him on all hands, yet with a small Army he could at his Leisure take that important place: Had *Spain* any intrinsic strength to resist, there was time enough given them to have brought it all together. If, I say, *France* then with so small a body made such a Conquest, what could be expected from *Spain* when the *French* King should send his whole strength against them? A Fleet before *Cádiz*, and two small Armies marching in thro *Catalonia* and *Navarre*, might have found it hard to subsist, but not to conquer *Spain*. The Emperor abandoning all other thoughts, had during the last War pursu'd his Advantages against the *Turks*, and thereby had both exhausted his own strength, and disgusted his Allies. And on the Conclusion of the Peace of *Reswick* he had shew'd so great an Inclination to ruin Herefy at any rate, and so little regard to the Honour of a Prince to whom he ow'd so much, that this with some other things (which I love not to remember, because I hope that Court will grow wiser) had given so just a Discontent, that few seem'd willing to ingage in a new War for him and his Family. And his Counsels were so dilatory and uncertain, that instead of pressing the Renewal of a General Alliance upon the Conclusion of the Peace, he seem'd not to regard it, when press'd thereto. We here were so weary of Taxes, and so jealous of a Standing Army, that we brought down our Land Force, first to twelve thousand, and then to Seven. Our Fleet kept proportion to our Army. The *Dutch* did not disarm to fast, yet they had no Force to spare; and to be sure, they would unwillingly engage in the Quarrel deeper than we did. While the Debates concerning the Army were on foot, the ill Health of the King of *Spain* was not forgot to be mention'd; and the Danger of the Progress that the *French* might make, if we were reduc'd to such an Incapacity of protecting the *Spaniards*, was often represented, but was often rejected with Indignation, as an Artifice of the Court to get an Army kept up. Things being in such a state, might not the King think that what was left for him to do, was to make the best Bargain he could?

It was more desirable to yield part of Spain than to let *France* take it all.

How bad soever the Partition may be, it seem'd still more desirable to yield up some Parts of the Spanish Monarchy, than to let *France* conquer it, or rather take it all. *Spain* it self, the *West-Indies* and *Flanders* were the Branches of that Monarchy, in which we were chiefly concern'd; and while these were kept intire, in the same Hands, our Interests were pretty safe. It is known, that what Advantage soever the Spanish *Grandeas* may make of the Dominions in and about *Italy*, *Spain* it self is not the stronger or richer for them, but much to the contrary. It is true, their Interests at *Rome* are fortify'd by them, but we are little concern'd in those. It was not to be imagin'd, that *France* which had made so much Noise with their Pretensions to that Succession, and (how slight soever they may be) had involv'd all *Europe* in Wars upon yet slighter, and that saw how sure they were of conquering so feeble an Enemy, and so weak a Rival, would let all this go for nothing. They did not fear a new Alliance against them, they knew well the Temper both of the *English* and *Dutch*. They therefore pretended to the *Italian* Dominions. If the King had been in Condition to have talk'd roundly to them, certainly that had been both the wisest and the best Method. But those who seem now the most inflam'd against the Partition-Treaty, know in their Consciences, that they themselves would never have engag'd in a new War, if the Dominions in *Italy*, much less if the Dutchy of *Milan* had been the only Point in debate. I leave it to you to judg what a Parliament would have said, if they had been call'd, and had found the *French* King in possession of, perhaps, all the Spanish Monarchy (as no doubt by what we have seen, he would soon have been, upon the Death of the King of *Spain*) if they had discover'd, That Offers had been made to have compounded for that whole Succession, by yielding up the Dominions in *Italy*, but that the King and his Ministers had rejected the Proposition: I doubt not, but then we should have had Impeachments upon Impeachments; and the suspicions of selling and betraying the World into the hands of the *French*, would then have carry'd such Characters of Probability, that we would, in reverse of Sir B——S——'s subtil Discovery, have concluded who they were that were the Instruments of *France*, and suppos'd them to have been as well paid for it, as perhaps some have been for later Services.

The Ex-claimers against it would not have enter'd into a new War.

I confess the Dominions in *Italy* are very valuable, yet no Naval Power belonging to them, they are not now so considerable as they were some Years ago: Nor is it certain, that notwithstanding the Partition Treaty, they would have been a sure Accession to the Crown of *France*; perhaps *France* would have found as much Opposition to it, as she is like to do now to her taking possession of the Whole. The Pope would have struggled hard; it must have alarm'd the Court of *Rome*, and indeed all Popery mightily, to see the Pope surrounded with French Armies, and so much in their Power. The Pope's Pretensions on the Kingdom of *Naples* are of an old standing, and are not disputed. If the Pope should have refus'd to change his Vassal, and have upon that made use of the Arms of the Church, and invited the Germans to his Assistance, and the Venetians to open Passages to them both by Sea and Land, this must have brought on a new War, and made *Italy* the Seat of it. It would have made an irreconcilable Breach between *France* and *Rome*. It is easy to see what this might have ended in. It is true, we by the Treaty were to have assisted the French, but in the Progress of the War we might have found just Reasons of getting out of the Quarrel, and of becoming the Umpires of it. Would it be a Reflection on the King's Honour, if it were suggested, That perhaps he would have stood to this Treaty as most Princes do, when they see where the Advantage lies, and as the French King has always done, and most signally in relation to this very Treaty?

I can't think so meanly of the King's Wisdom and Experience, as to believe that he built much on the Faith and Honour of his most Christian Majesty; but he might imagine that Age had qualify'd that unquiet Spirit, which has given the World so much disturbance. He might think that a bigotted Prince would, above all other things, desire to have the Papacy under his Protection, that is to say, at his Mercy. He would perhaps chuse rather to have the Dominions that were yielded to him by the Treaty, which he might expect without the Trouble and Charge of a War, than to embroil all his Affairs, and engage in the decline of his Life in a War, of which it is not easy to see the End. A Lady that has great Credit with him, might be known to be fond of this Accession of Empire, both as laying a great Obligation on the Succession, and as securing the Quiet and Life of one in whom she has so particular an Interest. A Ministry compos'd of such young Persons as might hope to out-live their Monarch, for all his Immortality, would probably conclude, that it would be more meritorious in another Reign to have extended the Empire of *France*, than to have rais'd a younger Son of *France*, so as perhaps he might be able one day to dispute Matters with his Elder Brother. Upon one or more of these Reasons, or perhaps upon much better, the King might have reckon'd that the Treaty would have been better stood to by the French, without relying so intirely upon a Faith that had been so often given, and so seldom kept. He had likewise other things to depend on.

It was reasonable to hope, that the Emperor would have come into it, tho it had been only with this Design, that by his Son's being in possession of the best part of the Spanish Monarchy, he might thereby be the better enabled to lay Claim, and struggle for the rest. Was it reasonable to think, that a Prince who had no Naval Force, would have maintain'd a Dispute in opposition to all the Naval Power of the World united against him? And could a Prince of such an exhausted Revenue hope to succeed, in competition against a Court so dextrous in all the Methods of it, and so well furnish'd with all that was necessary for making it most effectual? The Emperor's Conduct in this Matter had been so unaccountable, in being so unactive to prevent it, that there was no reason to suspect his not submitting to the Partition Treaty, when he saw it could not be help'd.

The King might likewise trust somewhat to the Virtues and to the Vices of the Spaniards: They have had an antipathy to the French of above Two hundred Years standing. The Spaniards have never before this time been guilty of betraying their Country; a Fidelity without Example has long supported a sinking Monarchy, and so it might have been still depended on; and their coming so tamely under a French Yoke, is a thing that was so little look'd for, that till all saw it, none could believe it. Upon all these Accounts it might seem reasonable enough for the King to imagine that the Treaty would have been stuck to without an absolute Confidence in the Virtues of the most Christian King. And after all, as the King of *Spain* had liv'd beyond all Mens Expectations, so the King might have hop'd that he might languish out yet a few Years more; and then the Revenue of the Crown of *England* would have been clear'd of all Anticipations, and in the

mean while the French King would have been oblig'd to keep such Measures as would have secur'd us from all Attempts, and have sunk the hopes of a treacherous Party among our selves, who had set up their Rest upon the Greatness of *France*, and begin now to revive their dead Hopes, which seem'd quite wither'd by the Peace of *Reswick*, and by the seeming Friendship between our Court, and that of *Ver-sailles*.

All Parti-
tion Tre-
aties not to
be con-
demn'd.

And now if you will lay all this together, you will retract a little of the Forwardness, and of the Severity of the Censures with which you may be apt to load that Treaty. Every Partition-Treaty is not to be condemn'd. The Triple-Alliance was the Glory of King *Charles's* Reign, and would have been its Strength, if he had stuck to it: And that was a Partition of the *Spanish Netherlands*, of which the Council of *Madrid* complain'd so much, that they threatned they would abandon all *Flanders* rather than submit to it; and yet they were wiser when they saw they could not help themselves. When *Spain* could not be defended but by our Arms, and by our Treasure, it might be both reasonable and just for us to consider what Interest we had in preserving any of their Dominions, and to take care of those wherein we were concern'd most nearly, and particularly, and best able to defend, but leave the rest to take their Fate. I am,

S I R, Yours, &c.

A Second Letter to a Friend, concerning the Partition-Treaty, with his Answer.

I Am convinc'd by your Letter, that it is not safe to rely on Common Fame, or yield too far to the Impressions which the first Appearances of things, and some general Prejudices are apt to make. I consider the Partition-Treaty after another manner than I did.

I see the King might have too good Reasons to hearken to a Proposal of that nature from the French King, without the least disposition to trust him, or to enter into close Measures with him; which in my Opinion must always prove fatal to Himself, to his Kingdoms, and indeed to all the rest of *Europe*. But tho you have gone a great way towards justifying the King, upon many personal Accounts, for engaging in this Treaty; I do not find you are your self reconcil'd to it. You rather make an Excuse for the King, than a Defence of the League: Therefore, for my own Satisfaction and that of our Friends, I must become a little further troublesome to you. I can't but think it a lessening of the King's Character, if only in order to keep himself quiet at home, and to sink the Hopes of a Treacherous Party among our selves (as you express it) he could be induc'd to enter into a Treaty unjust in it self, and ruinous to Christendom. It is so represented to us: One is said to have openly call'd it a Felonious Treaty. And we are told that a great Man, in another Publick Assembly, said, it was ridiculous and dishonourable in the Project, and mischievous in the Consequences. And yet after all, this Treaty was made by the King, let who will be concern'd in the Advice: And the Dutch are Parties to this Treaty, who are not us'd to be so grossly mistaken. We have been told, the King has a clear and more universal Knowledge of the Affairs of *Europe* than any Man, and therefore we are amaz'd to see him enter into an Affair so very liable to censure. Tho you are no Friend to this Treaty, yet you hear the Talk of those who do not so much dislike it; and you will do me a very good Office, to make a Report of what is said in favour of it, that I may know how they vindicate the King's Honour, which is very dear to me; and may not rest under the Suspicion, that the King would engage in unwise and unjustifiable Measures, upon the bare consideration of Personal Safety and Present Quiet.

I am, &c.

S I R,

SIR,
YOUR Enquiries are made with so honest a meaning, that a good Subject can hardly refuse what you desire. And yet methinks you make but an odd Choice of one, whom you admit to be no Favourer of the Treaty of Partition, to represent to you what is said in its Justification. But I will obey you, as well as my Memory will serve me, and what is omitted now may be supply'd in another Letter. It is not Flattery to say, the King is perfectly instructed in the Affairs of Europe. He has been at the head of Business for Thirty Years, and has encountered as great Difficulties as most Men ever did. This great Experience, joyn'd with his thoughtful Temper and discerning Judgment, gives him Advantages above most Princes, if not most Men. This is truly my Opinion, and I should think my self happy, if I could contribute to confirm others in the same Thoughts. My own Dread of the Power of France, and my Detestation of her Politicks, may possibly have form'd in me too unreasonable Prejudices against a Treaty, which seem'd to add so much to her Dominions, and may have occasion'd me not to give all the Attention I ought to the Arguments I have heard in defence of it; but I will fairly relate to you as much as I can call to mind of what I have heard on this Subject.

The Objections to the Treaty of Partition, go both to the Justice and to the Wisdom of it. It is said to be unjust in it self, as being a disposition of the Dominions of a Third Person then alive, made by a Confederacy of two Strangers, with one of the Pretenders to the Succession, without the Consent of the other. It is said also, to be unjust, as being inconsistent with the separate Article of the Grand Alliance made 1689. whereby the States-General stipulate with the Emperor, to assist him in taking the Succession of the Spanish Monarchy, in case of the then King of Spain's Death without Issue.

Objections against the Treaty as to the Justice and Wisdom of it.

It will not be amiss, for the better conceiving the Force of the Objections and the Answers, in a very few words to state the several Pretensions to this great Succession. Philip the Third had Issue, besides his Son Philip the Fourth, Three Daughters; Anna, the Eldest, marry'd to Lewis the Thirteenth, whose Son is the present French King; Margarita, the Second, marry'd to the Emperor Ferdinand the Third, Father of the present Emperor; and Catharina marry'd to Savoy: Philip the Fourth had Issue, besides the last King of Spain, dead without Issue, Two Daughters; the Eldest Maria Theresa, marry'd to Lewis the Fourteenth, who had Issue the Dauphin; the other, Margarita, marry'd to the present Emperor, and by him she had Issue, only Maria Antoinetta, first Wife to the Elector of Bavaria, and they had one Child, the late Electoral Prince, born in 1691. and who dy'd the 6th of February 1698.

The Pretenders to the Spanish Succession who.

Upon the several Marriages of the Two Infantas with Lewis the Thirteenth and Lewis the Fourteenth, solemn Renunciations were made of all Claims to the Succession of the Spanish Dominions, by them or their Descendants.

Those Renunciations the House of Austria insists upon as valid, and so their Claim takes place. The French pretend to object to their Validity, and claim the Succession, as if nothing had pass'd to bar them.

This being the Case, it appears, the first Treaty is not liable to the Objection of want of proper Parties: for as the French King and the Dauphin entred into it, so the Elector of Bavaria, in behalf of his Son, in whom at that time the whole Right of the House of Austria was indisputably lodg'd, was not only consenting, but promoted it.

The first Treaty had proper Persons in it.

I should observe to you, that the Treaty of Partition is look'd upon as an abusive Name, by those who think well of that Treaty. They say, it ought to be call'd, as it is, both in the Powers for making, and in the Treaty it self, a Treaty for the Preservation of the Peace of Europe. I should also observe to you, that this first Treaty had a very good Consequence; for as soon as the Transaction took Air, it not only occasion'd the King of Spain to make a Will, by which he declar'd the Electoral Prince his Universal Heir, but it made the Emperor to acquiesce in it, who till that time was vigorously solliciting, by his Minister at Madrid, for a Will in favour of the Arch-Duke.

As to the Second Treaty it appears, by the Powers which are in print, That it began in Holland, by a Joint Negotiation of the Emperor's Plenipotentiary, with those of England, France, and the States-General; but the Emperor not thinking it fit to appear a Party in such a Negotiation, for Reasons which were obvious enough, the Treaty was afterwards concluded without him.

Not unjust
because the
Emperor
not con-
cern'd in it.

To say it was unjust for that Reason, is at the same time to say, the Separate Article of the Grand Alliance was unjust; for that was disposing of the Dominions of a King then living, by an Agreement of two Strangers, with one only of the Pretenders. As the Emperor was no Party to this last Treaty, so *France* was no Party to the first. If it was consistent with Justice, for the King of *England* and the States to agree, that one of the Pretenders should have the Whole, without any Privy or Consent of the other, or of *Spain*: How could it be unjust (as to the nature of the Contract) to enter into an Agreement with one only of the Pretenders, for distributing the Succession among all that claim'd?

Controversies be-
tween
Princes
how they
must be de-
cided.

When Controversies arise between Sovereign Princes, there is no Judicature to determine of the Right. And they are at liberty to refuse to submit to a Mediation, which is often hard to bring about, because both Parties must agree in the Mediators. Controversies of this sort would never have an End, but in the Ruin of one of the Parties, and perhaps of Neighbouring Nations in the Consequence, unless other Princes and States may by a proper Interposition, in such a manner as they think most agreeable to the Justice, and to the Good of their own Subjects, oblige all the Pretenders to recede from Extremities, and in case of Obstinacy on any side, to assist those who are willing to yield for the sake of Peace. This has been the approved Practice of all Ages. It is not necessary to mention Instances to prove what cannot be deny'd; — otherwise, what was done in the Case of the late Difference between *Denmark* and *Holslein*, is a fresh Example: much less is it necessary to go about to make a more particular Application of this Rule to what was then the Case.

A well-founded Apprehension of an unreasonable Increase of Power in a Neighbouring Prince, has been always held to be a just Ground of making War: it may be better defended, to be a just Reason to prevent it by Treaty.

Accession of
Spain to
the Empe-
ror, or
France,
terrible to
Europe.

An Accession of the intire Spanish Dominions, either to the Emperor (whose Claim was for himself, and his lineal Descendants) or to *France*, must unquestionably have form'd a Power extremely terrible to the rest of *Europe*. It was therefore necessary to think of dividing the Succession, or turning it out of the direct Line for the common Security of Christendom.

French K.
resolv'd not
to stand to
the Renun-
ciation.

Princes are bound to provide for the Safety of their Subjects by all reasonable ways. If the most eligible cannot be arriv'd at, they must pursue such Methods as are practicable. It was visible the French King was resolv'd not to acquiesce in the Renunciations: his Flatterers had absolutely hardened him in the Opinion, that all those Solemn Acts were insignificant; and to make good these Sentiments, he had not only employ'd his Lawyers, but his Arms in the dispute for many Years. This the Emperor well knew, nay it is expressly declar'd in the Separate Article of the Grand Alliance. So that when the Accident happen'd, the War was inevitable, and the Accident was expected every day. No Care had been taken to form the necessary Alliances on the conclusion of the Treaty of *Reswick*; Nothing was determin'd as to the Spanish Succession; no Provision for securing any thing stipulated by the Grand Alliance. On the contrary, some things had pass'd at that time, which necessarily made a strangeness between the Emperor and the Protestant Princes. No Arguments were omitted to draw him into new Measures, in order to make the separate Article of the Grand Alliance significant and effectual. And it was highly reasonable to insist upon Terms, when it was so fresh in memory where the Burden of the last War lay. But by reason of the very slow Measures of the Court of *Vicenna*, and the particular Interests which the Emperor thought himself under a necessity of managing with the Court at *Madrid*, nothing had been done, or was likely to be done on that Side; and at the same time the Subjects of *England* and *Holland* seem'd neither willing nor well able to enter into a new War. *France* did not only continue arm'd as during the War, but was at vast Expence in buying Horses for remounting their Cavalry, and for lifting the ablest Men, as fast as they were disbanded by the Confederates. Without a Treaty a War was inevitable; or rather, *France* was Master of all without a War. This was the unhappy Necessity under which the King and the States found themselves. And in such Circumstances, where was the injustice to accept of the Contract of the French King and the Dauphin, to content themselves with a Part only of the vast Succession, and such a Part as would not only be least inconvenient to the Parties contracting, but to the general Liberty and Security of *Europe*, rather than to leave him in Circumstances to seize the Whole, or at least to take immediate possession of those Parts, which would necessarily

necessarily and suddenly endanger the Trade and Safety of the English and the Dutch?

Upon the foot of this Treaty, the King and the States acquir'd an explicit and direct Right to compel the French King to acquiesce in the Share allotted to him, which perhaps was wanting before: For tho *Spain*, in respect of the several Renunciations and solemn Acts, had an exprefs Right to oppose the future Pretences of *France* to any part of that Succession, yet it was not plain, that by renewing his Claim, he violated any League with *England* and *Holland*, which would be the Case after his entring into that Treaty.

By it the King, &c. had a Right to compel the French King to acquiesce.

There is another very considerable thing to justify this Treaty, if it be true as it has been affirm'd, that during the Transaction in *Holland*, in the Summer 1699. the Emperor's Ministers, tho they declar'd they could never make themselves Parties to an Agreement for dismembring of the Spanish Monarchy, which would wholly ruin their Affairs at *Madrid*, yet they did not exprefs any great aversion to be seemingly forc'd to some reasonable Terms. It has not often been known, that a deliberate Act of three Sovereign Powers, made upon very weighty Grounds, has been so frankly call'd *Unjust*. The Emperor has not found Cause to give it that hard Name: Nay, the French themselves, who have violated this Treaty in the most open and shameless manner, and want to the highest degree an Excuse for Breach of Faith, and had a good one if the Treaty was unjust, yet they have never call'd it by that Name, but have contented themselves to take up the wretched Pretence, that by breaking the League, they have pursu'd the Spirit and Meaning of it.

This is all I shall say to you at present with respect to the Justice of this Treaty; that which you desire further, is to hear how it is defended from being Impolitick to such a degree as to be ridiculous, as you say it has been stipp'd. I have already stated to you how the Circumstances of Affairs abroad stood; and in my Answer to your former Letter, I have observ'd to you what disposition as to War had appear'd in *England*, and I will repeat nothing. It was evident, the French King was in a Condition to take possession of what Parts he pleas'd of the Spanish Dominions, if not of all, without opposition: And that if something was not done previously to the King of *Spain*'s Death, it would be too late then to talk of forming Alliances.

The Impolicy of the Treaty.

This Reasoning has been too unhappily justify'd by what we have seen since. *France* has taken possession of all the Dominions of *Spain*, without the least Obstructions, and before any Measures could be enter'd upon to prevent it. The Friends to the Partition-Treaty say, the World will judg which was the wisest Course, to provide before hand against so great an Evil, or to be put to play the difficult After-Game, of recovering things out of the hands of *France*.

France took possession of the Dominions of Spain.

In so critical a Juncture, the King and the States-General judg'd it reasonable to hearken to the Proposal of a Negotiation, as the only Means left to prevent the impending Destruction of *Europe*. They were not insensible how little the French Faith was to be depended on, but they were not put in a worse Condition by the Treaty. On the contrary, if the French King should not stand to it, the English and Dutch had an indisputable Ground to resent the Perfidiousness, and would be justify'd by all Christendom, in directly joining to assist the House of *Austria*. And till that Breach happen'd, the Emperor might see how far he might depend on their actual Assistance, and what Care they had taken of the House of *Austria*.

King, &c. judg'd it reasonable to prevent the Destruction of Europe.

To think of Treating with the French King upon such a Subject, and to yield nothing to him, was indeed ridiculous. All then that remain'd, was to make the best Terms possible; in the doing whereof, as the Interest of the House of *Austria* was to be sincerely and heartily espous'd, and a solicitous Care us'd that the Ballance of *Europe* should not be intirely broken; so it concern'd *England* and *Holland*, who were of the Parties contracting, not to neglect themselves, but to make such a Distribution as might be least prejudicial to their Interest.

What England, &c. was oblig'd to do to take care of themselves.

The three Things which they were principally oblig'd to take care of, was their Security, their Trade, and the common Interest of the Protestant Religion. In order to this, they were first to take care of the Barrier in *Flanders*, for making good whereof so much Money had been spent, and so much Blood had been spilt: It being demonstrably plain, that if *France* was possess'd of the Spanish Netherlands, it was not possible for the Dutch to bear long the Expence of supporting themselves; and when they fell a Prey to *France* (notwithstanding the vain Discourses, we heard

not

not long before, of what we were able to do) *England* was not likely to be free any great while.

The second Thing which concern'd both Nations highly, was the preserving the Trade of *Spain*, and the use of her Ports. This need not be enlarg'd upon; the present apprehension of the Danger of losing this Advantage, has made it very sensibly understood by every body.

The third Thing which concern'd *England* infinitely, and the Dutch not a little, was to keep the *West-Indies*, and the Trade thither in the Condition they then stood. For it will not be deny'd, if ever *France* can appropriate to it self the Trade of *Spain*, and the Management of the Spanish *West-Indies*, she will soon be Mistress of the World.

The Treaty provided for the Security of England and Holland.

These were the great Things to be first look'd after, and for these the Treaty did fully provide. It is not to be deny'd but that the Turkey Trade was of great Consequence to both Nations, and the Trade of *Italy* not inconsiderable, especially to *Holland*; and it were to have been wish'd that every thing could have been intirely gain'd: but when that was impossible, the most weight was to be laid on what was of the greatest Consequence. It is said in a certain Leeter, which is charg'd by some as favouring the Partition-Treaty, and by others as written against it, That if *Sicily* were in the French hands, they would be intirely Masters of the *Levant* Trade. They who declare themselves for that Treaty, quarrel at that Expression as too forcible. No question, in case of a Rupture, if the French had *Sicily*, they might at least for a time, give a great Interruption to the Turkey Trade; but if the Ports of *Spain* and its Dominions were open to the Dutch and English Fleets, that Inconvenience would be in a great measure avoided. Whereas, as the Case now stands, for want of the Effect of such a Treaty, the Spanish Ports are like to be intirely shut up; and consequently all Trade into the *Mediterranean*, if ever a War should break out, must become intirely impracticable.

If stood to, had depriv'd France of having Assistance from hence.

The Treaty of Partition, if it had been stood to, had plac'd *Spain*, the *West-Indies*, the *Netherlands* and *Milan*, in such hands as *France* could expect no sincere Assistance from. What real Addition of Power *Naples* and *Sicily* would have brought to her, is not so plain; *France* is a compact united Strength. Whether she would have been stronger by the Possession of two remote Countries, whose Natives have the utmost hatred to the French, Experience only would have shewn. *Italy* would have been alarm'd to the last degree, to find the French taking possession of so large a part of it, which it could not be possible to prevent, considering the Power and Preparations of *France*. But this would not have been the first time that the French had got to be Masters of *Naples* and *Sicily*, and yet were not able to hold them. Certain it is, the Court of *Rome* would have found it self oblig'd to set all its Engines on work to prevent the establishing of that Slavery which was inevitably coming upon them. They would be discerning enough to see, that from the Hour the French King became peaceably settled in the possession of *Naples* and *Sicily*, the Pope must sink in his Character, and would be no more than a French Bishop. The rest of the Catholick World would hardly consider him as a Common Father, who could be made and unmade at the Pleasure of *France*. Without pretending to Prophecy, one may say literally, That Heaven and Earth would have been mov'd upon this Occasion: The Church would have drawn out all her Forces, Spiritual and Temporal; and besides the Influence she would always have upon the Italian Princes and States, which is avowedly not little, They themselves are quick-sighted enough to see what different Figures the Princes of *France* make in this Age, from what they made heretofore, and to learn Caution from so significant Examples. Besides, the Pope's Remonstrances would have had the more Authority as well as Vigor from the scandalous Appearance it would have had to the whole Papal World, that *France*, in conjunction with two Heretick Powers, should dispose of the Fiefs of the Church. The Emperor would undoubtedly have been solicited by all sorts of Arguments to assist the Church, and assert the Liberty of *Italy*; and how far he might have been able to resist, might not be difficult to guess. All the Catholick Princes of *Germany* were at liberty to act as the Conjunction invited them. The Italians would not have apprehended any thing from *Spain*, they would have understood easily which way the Arch-Duke's Wishes would go. The Duke of *Lorraine's* Affection to the House of *Austria* is so well known, that it is certain the French could have depended on nothing from *Milan*, in his hands. And tho the late Chancellor in his Letter said, That if the Treaty should take place, and *Milan* could

not

not be reliev'd by Sea, it would be of little signification in the hand of any Prince. We see he was mistaken, and that very powerful Reliefs might be sent by Land to *Milan*, and the Emperor and Empire might always have an open way into *Italy* through that Country. The King of *France* would have been cautious to have left his Frontier naked towards *Flanders*, when in possession of a Prince of the House of *Austria*, or to have left the *Rhine* unguarded, when the Pope would be sure to have a prevailing Power with the Ecclesiastical Electors, and the other Catholick Princes of the Empire.

This would have been the highest Security to the Protestant Interest, for which certainly we were above all other things concern'd. *Italy* would have been the Scene of the War, where upon all Accounts we ought to wish it, and not only as being the most remote from us. The apprehension of a Catholick League, which is no Chimera, and which it is to be too justly fear'd may be the immediate Consequence of a settled Peace among the Popish Powers, when the Zeal of the Emperor as well as of the French King is consider'd, would have been far remov'd. In such a State of Things, we could apprehend nothing as to our Trade, not even in the *Mediterranean*. All Parties would have found it reasonable to be courting the great Naval Powers of the World. We might be Neuter if we thought fit, or might have made our own Terms: We were not bound to take any other Share in the War than we pleas'd; for tho we stood oblig'd to see the Treaty executed, yet in the utmost strictness that was all: We were not bound to maintain the respective Parties in possession: We might have enjoy'd the Advantages of Peace, or we might have otherwise found our Advantages in return for our Assistance, in case we chose to give it to either side.

And Security to the Protestant Interest.

But they who have a mind to extol the Wisdom of the King and the States, for entering into the Treaty of Partition, found themselves most on the ill Consequences which have appear'd upon the laying it aside. They pretend to think it wonderful, that Men should be quarreling with so much heat at a Transaction, whereby such large Territories of the King of *Spain's* Dominions were to be deliver'd up to the French King; and at the same time, with so much Patience and Temper see him take possession of the WHOLE, and shew so little Concern to redeem the Time that was lost by their late coming together. They say it will cost many Lives and much Treasure, before *Europe* can see things upon so good a foot as that Treaty put them.

The Consequences of laying it aside.

They go further and say, That the same Men who promoted the Clamour at this Partition-Treaty, are labouring at this very time to make one much worse for *England* and *Holland*, for the Liberty of *Europe* and the Protestant Interest. For already they stick not in their Discourses to make it a Fault, to talk of asserting the Pretence of the House of *Austria* to the whole Spanish Succession; and this is not to be wonder'd at by any who observ'd their early Zeal for the Duke of *Anjou's* being own'd as King of *Spain*, and their Question ready form'd for that purpose.

I have set down what occur'd to my Memory, according to your desire. You must look on me as not responsible for the Solidity of any of these Arguments on the one side, or pretending to have said all that is to be said in defence of the Treaty on the other. I am so sensible of this latter, that I find my self under an Obligation of telling you, That upon your intimating to me, what parts of the Account I have given you, appear to you to be most weak and imperfect, I will let you know whether the Defect proceeded only from my want of Memory.

I am, &c.

Published
in the
Year 1701.

A Word in season to England's Representatives in Parliament.

THE Grand Concern upon the Wheel at present is, the two great United Monarchies (by the King of *Spain's* Will) now under one Council: And the Expectation what Measures the remaining part of *Europe* will project on that Occasion; whether to sit still and acquiesce with what may ensue, or to obviate (by a prudent Confederacy) the threatening Catastrophe.

It was formerly the Opinion of *Europe*, that *England* held the Ballance between those two great Monarchies, which is now wholly eluded. But that *England* may preserve a Ballance between the Empire, and the aforesaid United Monarchies, is still possible.

But this can never be put in practice by an *English* Ministry, under *French* Counsels.

'Tis at this Juncture in the Power of the People of *England*, to disappoint all *French* Machinations, by their Choice of a true *English* Parliament, compos'd of thinking Members, who will not disdain to hear the Opinion of Men without Doors, and then debate the Matter maturely within; that Axiom being still in force, *Deliberandum est diu, quod statuendum est semel.*

If the Free People of *England* have no mind to be Slaves to a despotick arbitrary Power, Now is the time to resolve.

King's and Peoples Interest the same. And I shall lay this down as undeniable, That whoever divide His Majesty's Interest from the Peoples, are Traitors to both; they being inseparable.

'Tis also beyond all Contradiction, that 'tis better being a Prince of Freemen and Rich, than of Slaves and Beggars; tho the contrary Opinion has been promoted, and, *Divide & Impera*, is the Theme; *Williamite* and *Jacobite*, *Whig* and *Tory*, are in every Mouth.

The first Point therefore on our part is, to unite all Factions under one Medium, which is very practicable; if it be demonstrated to be the Interest of every one to be so united: for 'tis making the Interests opposite, that keeps the distance.

When that Grievance is over, the next Business is, to consult how to make us rich, and to fill our Purses with Gold and Silver; which will not only enable us to defend our selves against our Enemies, but by dint of Power to bring them to reason.

Mony answers all things. Would you have Armies, would you have Navies, would you have Confederacies? Get Mony, and all is done.

Now one great step to procure Mony is, to advance a good Credit, which can never be done, but by first paying all the present Debts of the Nation. And that (how impracticable soever it may seem) may be easily effected, and make us more opulent and formidable, than the two mighty Monarchies aforesaid, tho they have the *Indies* for their Fund. And then come Peace, or War, we are ready.

Proposals for effecting this, are ready to be deliver'd to the Committee for enquiring into the State of the Nation.

Dutch

Counsels as pernicious to England as French.

The next part is to gain the Key of the Royal Ear, which hitherto has been in foreign Hands. And let the Ministry answer their Advice at their Perils: and for the future, let us be as careful to prevent *Dutch* Counsels, as *French*; Theirs being always pernicious to *England*; their Bias carrying them partially to their own Trade, for which they will abandon any Confederacy.

This will appear, if we look back to the beginning of the late Confederate War, when the *Spaniards* wanted our Assistance to secure *Flanders*, and would have

con-

consented to give us *Ostend* and *Newport* (if we had insisted on it) as Caution to have satisfy'd us in some measure for our Expence of Blood and Money in their Defence: Yet we being influenc'd by *Dutch* Counsels, it might not be so much as mention'd, for fear those Towns might prove a Thorn in their side, to awe them to a Compliance, if a Rupture hereafter should happen between *England* and *Holland*, of which they would be sure to give Occasion.

In the next place their Counsels (tho they would have it thought the War was commenc'd in Defence of Religion) provided in no sort for the Protestants in *Germany*, and elsewhere by the Peace; but strongly insisted on their Tariff, for a free Trade between *France* and themselves.

A third Counsel, which has no Precedent out of their own Territories, it being the true Origin of the late *Spanish* Will, and must necessarily have a dismal Issue, was the Article of *Partition* of a Country, where they had neither Title nor Pretence, and wherein they have involv'd us. All which, I hope, may warn *England* for the future, how they steer by so dangerous a Compass.

Therefore our part is, not immediately to enter into a War by their advice, but to arm carefully for our own Security, and to confederate with *Germany*, the Northern Crowns, *Portugal*, *Holland*, &c. and by Vigilance and Prudence prevent any Surprise from our too potent Neighbor, that we may still maintain a Ballance; and if a War ensue, when the Success is over, make our Treaties publick, that all may know them, and be answerable for no dark and clandestine Articles, but such as may secure the Protestant Right, wherein a true *English* Parliament may be satisfy'd, and whereof the Justice of the World may become Guarantee.

I believe it might also be worthy Consideration, whether the House of Commons may not form some Medium, to oblige the Ministry for the future to promote neither *English* nor *Dutch*, &c. to the Peerage of *England*, who are not Freeholders of at least 2000 l. per annum in Land in *England*: since 'tis too apparent, that all the *Dutch* Peers (tho two are Knights of the Princely Order of the Garter) are not in *England* Proprietors of 1000, &c. but have heap'd up Mountains of Money in Bank, ready to chop over to any Government that may start up, and will embrace Men of such precarious Principles.

*A LETTER to a Member of Parliament
in the Country, concerning the present Posture of
Affairs in Christendom.*

Printed in
1700.

First, in Defence of the Treaty of Partition.

*Secondly, Shewing the great Prejudices that Europe
in General, and England in Particular, are like to
receive from the Acceptation of the late King of
Spain's Will, contrary to the Obligations of the said
Treaty.*

In Answer to a Letter from him upon that Subject.

The PREFACE.

THE Substance of this Letter may be resolv'd, for the Reader's Ease, into the following Heads by way of Abstract.

First, It shews the Necessity there was for making the Treaty of Partition, and the great Advantages which would have ensu'd the Observation of it.

Secondly, That the entering into this Treaty, cannot well be charg'd with having given Occasion to the Will in behalf of the Duke of Anjou.

Thirdly, That instead of creating a Misunderstanding between us and the Emperor, 'tis rather what ought to have united us closer together, by the Considerable Advantages obtain'd in that Treaty for the House of Austria.

Fourthly, That a due Execution of it would have prov'd an infallible Means of insuring the Publick Peace of Europe; whereas the Acceptation of the Will cannot fail of disturbing it.

Fifthly, That the Observation of the Treaty could never have brought any Prejudice upon our Trade, nor that of the Dutch in the Mediterranean; but on the contrary, that the Acceptation of the Will is more likely to ruin our Trade, both there and elsewhere.

Sixthly, That this Acceptation ought to make us apprehensive for the Loss of Flanders; and of what Consequence such a Loss would be to England.

Seventhly, What Measures we ought to take in so nice and important a Juncture.

A LETTER to a Member of Parliament in the Country, &c.

S I R,

I find by the Honour of your last Letter, that besides the News which I take care to send, you desire farther to have my Thoughts, as, by advance, you have already communicated yours, about the late King of Spain's Will, and the Resolution taken at the *French Court*, to accept of it, in prejudice to the Treaty of Partition. I have examin'd as carefully as I could, the Reasons whereby you endeavour to prove, it is more for the Advantage of *Europe* in general, and *England* in particular, that *France* should accept of the Will, as it has done, than stand to the Engagements of the Treaty.

I have generally had a particular Deference for your Judgment, knowing it to be back'd with a thorow Integrity; and it is with a very great Reluctancy and Unwillingness, that I must now differ from you: Protesting at the same time, that it is both out of Regard to your Person, and Concern for the Welfare of the Nation, whose Interest, as it ought, sticks very close to my Heart. I am very sorry to find, that, after having acquir'd so much Credit and Reputation as you have in the House of Commons, by your known Zeal, and upright Intentions for the true Interest of *England*, which has appear'd in most Debates, you seem now to be prepar'd, against our next publick Deliberations, with Sentiments that are not, as I conceive, altogether so suitable to it, as were to be wish'd, and you your self would have them. Whether I have any Reason or no for my Opinion, is what I refer to your own Judgment in perusing the following Sheets.

The Character you bear of an excellent Patriot, which makes you hear Reason without running into Heats and Parties; and knowing, that you believe me to be thorowly affected for the Publick Good, and consequently to aim at the same Ends with your self, how much soever we differ at present in our Thoughts concerning the Means; has encourag'd me to return, with so much the more Freedom, this Answer to what you desire; being very confident, that it will be well taken, as it is well meant.

First, You endeavour to make out in your Letter, That instead of entring into a Treaty, which would have redounded so much to the Advantage of *France*, 'twas rather our Business to keep in with the Emperor, and take such Measures jointly with him, as might tend to the procuring the Arch-Duke the Succession of Spain.

Thus far I must agree with you in this Point: That it would be much better for us to have that Prince Monarch of *Spain*, than the Duke of *Anjou*; and that he would have kept the Affairs of *Europe* in a better Counterpoise for the preserving its publick Peace and Tranquillity. But you must grant at the same time, that this Prince could not be seated on that Throne but by one of these two ways; either by ingaging in a Confederate War against *France*, and aiming at the Whole, or entring into such a Treaty of Partition as might peaceably accommodate both Parties.

As for the first Case, the Undertaking would have been too hazardous, and the Event doubtful. Every body knows very well, that whenever the King of *Spain* should come to die, still it would be much sooner than the several Powers concern'd in the forming a Confederacy for the Arch-Duke's Succession, could be in a readiness to act; and that *France*, having all its Forces at hand, united under one Chief and Interest, and without a Variety of Dominions to march thro, would have been before-hand in a Condition, not only to make very considerable Progresses in *Flanders*, but to march directly to *Madrid* it self, and assert there the Pretensions of its Princes. The *Spaniards* finding themselves altogether unable to make Head against such sudden Irruptions, would have been forc'd, by a ready Submission, to prevent the utter Ruin and Desolation of their Country. Their present Conduct does but too evidently shew what they would have done in that Juncture. Now, Sir, I leave it to your own Judgment, whether in such a Situation of Affairs, we could with

France accepting the Will not for the Advantage of England:

1. Necessity of making the Treaty, &c Advantages that would have ensued.

A. Duke's Succession to Spain better for England

than the Duke of Anjou's. How the A. Duke must have been settled on the Throne of Spain.

any Reason have propos'd to our selves, after a long and tedious War, at least as general and expenfive as that terminated by the Treaty of *Ryswick*, the reducing of a Prince of *France* to quit the Throne of *Spain* and the *Indies*, and resign it to the Arch-Duke, together with the *Low Countries*; and the *French King* to content himself with the Kingdoms of *Naples* and *Sicily*, the Dutchy of *Lorain* in Exchange for *Milan*, and the other Advantages stipulated by the Treaty? Would not such a Success be look'd upon as the greatest Exploit compar'd by a Confederacy that has ever been, and as something incredible, and beyond our own Expectation?

England must necessarily have been engaged in a new War.

One thing is certain, that in order to have such Hopes as these grounded upon a Humane Probability, it was absolutely necessary *England* should make as great Efforts, and engage it self in as expenfive a War at least, as that it has lately been freed from. But I dare expect the Concurrence of your Opinion in this, that it was not fit to expose the Nation to so burdenson an Inconveniency again, but at the last Extremity, and upon the failing of all other Expedients. You know very well, that *England* depending upon a Peace that has cost it so much Blood and Treasure, has turn'd its Thoughts upon making the best Advantages of it; and for that Reason has thought it more advisable to disband its Forces, than do any thing that look'd like Preparations for a fresh War, however near the Occasion seem'd to be to plunge us into it anew, together with the rest of *Christendom*. The languishing Condition the late King of *Spain* lay in, gave us good Grounds to fear all this might happen in a short time. Tell me then, whether it would have been prudent to tarry for such an Event, to involve us in new Troubles, without any Endeavours before-hand to reconcile if possible so near and threatening an Emergency with our present Tranquillity? Could any thing have been thought of more conformable (the case being so) to the Interest both of *England* and *Holland*, to that of the Emperor himself, and to the general Good of *Christendom*, than that very Treaty you endeavour to condemn?

France would probably have been greater Gainers by War than the Treaty.

You insist, *That this Treaty would have procur'd too great Advantages to the French, if it had taken effect.* But can you in your Conscience think that they would have been less Gainers by a War, than what the Treaty allow'd? Or can you believe that *France* would ever have consented to a Treaty for the yielding up of the Whole; and the receding from all those Advantages it had reason to expect from the Readiness it is in to act so much before-hand with any Confederates, and an almost certain Assurance of a general Submission among the *Spaniards*, to avoid their being over-run and ruin'd of a sudden by the quick Torrent of its Arms? Farther, it was no small Point gain'd, to have brought *France* in it to a Renunciation of all its Pretensions upon the Kingdom of *Navarre*, which some time or other might have given occasion to new Ruptures. And not only so; but the main of the Business was to secure *Spain* and the *Indies*, together with the *Low Countries*, to the Arch-Duke, that is, to a Prince whom that piece of Service must have ever united to our Interest; to spare the Nation the Expence of a dangerous and burdenson War; and to secure to it that which at once makes our Prosperity and Glory, the unvaluable Prerogative of holding the Ballance of *Europe* in our hands. Were not then such great Advantages as these worthy to be purchas'd at the Price of some small Sacrifice?

2. Entering into the Treaty can't be charg'd with giving occasion to the Will.

You pretend, as a farther Exception, *That the late King of Spain would never have been prevail'd with to nominate the Duke of Anjou for his universal Heir, had it not been for the Treaty, thereby to keep the Monarchy intire, contrary to the Designs and Purposes of it; so that we must look upon the one as having given occasion to the other.* Think rather, that the Apprehensions we had of such a Will, in favour of *France*, was a principal Motive for our entering into that Treaty; and then I dare say your Sentiments will come much nearer to the Truth. Our Court had very good Intelligence, when the Treaty was set on foot, that the Emperor's Party dwindl'd, and that the Marquis de Harcourt improv'd his Master's Interest daily more and more at the Court of *Spain*. We had good Advice, that those Persons who had the greatest Ascendent over the King, and who were likely to have the greatest Influence in the Management of his last Disposition, were altogether inclin'd for one of the Dauphin's Sons. The Ministers of *France*, both at home and abroad, made no Secret of the Matter, but rather affected to publish it; and what they said about it, we had confirm'd from less suspected hands. So that the Design of *England* and *Holland* was in Truth to prevent the Effects of such a Will, by mediating a Treaty of Partition, in which there was consequently an apparent necessity of giving up some Parts to save the

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Loss of the Whole: 'Twas to provide against all Pretences from such a Will, that France has been induc'd to those positive and express Renunciations which are to be seen in it; and unless they would make but a mere Sham of it there; or at most that it binds *England* and *Holland* only, without inferring any Obligation upon *France*, it must be own'd that the Will, as it now stands, is the very Case in which that Crown has directly oblig'd it self to a punctual Observation of the Treaty, if it had been in a humour of keeping to the Terms and Purposes of it.

Well, but suppose that the Treaty of Partition had never had a Being, do you think that the King and Grandees of *Spain* could ever have had Faith enough to believe the Arch-Duke might have been instituted Heir to, and put in possession of the whole Monarchy, without dismembering any part of it? They could not but be very sensible before-hand that *France* would certainly use its utmost Efforts to obstruct that Prince's coming to the Throne; and that after a long and cruel War, carry'd on in their own Countries, it would have been impossible even at best to have hinder'd that Crown from keeping some Parts in its Possession. Besides, in order to the carrying on so vast a Design they must have been fully assur'd of *England*: But did they see the Nation in a Temper of engaging vigorously in a new War, upon this single Motive of the Arch-Duke's having two or three Provinces more or less? Or could they imagine that the Arch-Duke should ever be able to force *France* to an intire Resignation, without the greatest Efforts from *England* that ever have been made in it? They could not but foresee that the Nomination of the Arch-Duke must of necessity kindle an universal War, and a War in which *Spain* must have been expos'd as a Prey to the *French*, whilst at the same time it would have been out of the Power of any of their Allies to afford them timely Succours. Such apparent and inevitable Dangers as these, must of themselves have determin'd the King and Grandees of *Spain* in the Duke of *Anjou's* Favour, tho the Treaty of Partition had never had a Being. His late Majesty and his Ministers, as it has evidently appear'd, were resolv'd to institute such a Successor as might peaceably be seated on the Throne: And, could it have been upon a less powerful Motive than this, that a King, who all his Life time has entertain'd so strict a Correspondence with the Emperor, that has so often been engag'd in Confederacies with him for the carrying on War against *France*; that has all along appear'd so zealous for the House of *Austria*, of which he was the elder Branch; would have been prevail'd upon to cut it off from his Succession, and transfer all his vast Dominions over to a strange, not to say an hostile Family? Perhaps you will answer, That the Treaty of Partition had so exasperated his Catholick Majesty, as to put him upon the Course he has taken: But on the contrary, was it not rather a fresh and very engaging Motive to favour the Arch-Duke in the Point of his Succession, since the Emperor has stuck out of the Treaty for no other Reason but that it was highly displeasing to the King of *Spain*? Did it not rather afford a new Reason to exclude *France*, that had been the great Promoter of so disagreeable a piece of Work? Let us conclude then, That the late King of *Spain's* Will must be look'd upon as the Production of a fearful Prudence, that has not given him leave to follow the Motions and Dictates of his own Heart.

You urge, That the Treaty of Partition tended to the creating a Misunderstanding between us and the Emperor. But I think, for my part, we had reason to expect the clear contrary Effect from it: If the Emperor's Court would have known, or had been willing to follow its true Interest, nothing could have provided more effectually than the Treaty, for the establishing a most strict and inviolable Union between us. Nothing has been transacted, during the whole Negotiation, but what has been communicated to that Court, and all possible means have been us'd to obtain its Approbation before the Conclusion of it: Finding all these steps to fail of Success, the Emperor has had three Months time given him by the Treaty, to consider deliberately of it; and moreover, to provide against his peremptory Refusal to come in after the Expiration of the said Term, and his receiving any Prejudices by it, *France* has been perswaded to enter into a secret Article (which every one knows at present) whereby it was stipulated, That the Emperor's Acceptation might still be receiv'd to the Term of two Months after his Catholick Majesty's Decease.

The Emperor ought undoubtedly to have declar'd himself within the first Term, upon many weighty Considerations; and not tarry'd for the King of *Spain's* Death, to signify his Consent. He was often forewarn'd to take care, lest a Will in behalf of the Duke of *Anjou* (which was but too probable) should one day foreclose the

Arch-Duke could not have intirely d Spain intire.

K. of Spain would appoint a Successor that might peaceably enjoy the Throne.

3. Instead of creating a Misunderstanding between us and the Emperor, the Treaty ought to have united us.

Why the Emperor should have accepted it.

the Arch-Duke from the whole Succession, if the Imperial Court did not betimes take proper Measures with *England*, and *Holland*, to oblige *France* in such a Case to a punctual Execution of the Treaty. We often represented, that what was allow'd to the Arch-Duke in it, was too considerable, to neglect the fair Opportunity that offer'd it self to insure it, without running the Risk of a doubtful War: That his Acceptation of the Treaty, would bring in all the Princes of the Empire, the *Swisse Cantons*, and both the Northern Crowns, to be Guarantees of it: Which Security, being at once required by the Emperor, *England*, *Holland*, and *France* it self, could not have been denied. He had it suggested to him, that the unanimous Consent of all *Europe* was the only Expedient that could preserve Peace at such a time, since it would have made so strong a Guaranty for the Execution of the Treaty, that *France* durst not have ventur'd to break through it. If the Imperial Court would hearken to none of these important Suggestions; if by persisting in a stiff refusal, it has encourag'd *France*, and even furnish'd it with a Pretence to recede from those Engagements it had enter'd into with us, and confer upon the Duke of *Anjou's* Head a Crown it had so lately renounc'd in so Solemn and Express a Manner; this is so far from giving a just Occasion to blame the Treaty, that nothing can better prove how advantageous it would have been to all *Europe*, than the readiness of the *French* to violate it.

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You proceed, and say, That *France* will not fail to alledge in its Defence, that as Affairs are at present, and considering the Emperor's having persisted in his refusal so long, it tends more to the Preservation of the Publick Peace of Christendom, for *France* to accept of the Will, than stand to the Treaty of Partition; because if the Will were refused, and the Dukes of *Anjou* and *Berry* denied the benefit of it, the Spaniards would certainly call in the Arch-Duke, to take upon him the whole Succession, and so keep up to the purposes of the Will, which gives him the next Substitution to those two Princes; and that the Emperor being bound in such a Case to stand by the Will, and endeavour to keep the Monarchy entire, there would be an evident necessity of entering into a War with him and his Allies, and the whole Monarchy of *Spain* submitting unanimously to the Arch-Duke; in which we must have several entire Kingdoms to conquer, in order to bring Matters within the Terms of the Treaty.

Sir, Give me leave to tell you, that you have but a very indifferent Opinion of the Capacities of the *French* Court, to think its Ministers can pay the World with such poor Reasons: When they want good Reasons for what they do, they at least know better how to carry it off with plausible Colours. What you make them say for themselves, runs upon a Principle absolutely false, which consists in supposing, that even in the present situation of Affairs, the Emperor would still persist in his refusal, were the matter left to his Choice. But such an Absurdity as this cannot well be thought of. 'Tis true, that the Imperial Court, feeding it self with vain Hopes, that the King of *Spain's* Will would run altogether on the Arch-Duke's side, or, at the worst, imagining that it would still have time to accept of the Treaty, in pursuance of the secret Article, two Months after the King of *Spain's* Death should happen, has upon this double View neglected to consent to what we demanded. But must we from thence conclude, that they would have still persisted in the same Disposition at *Vienna*, when undeceiv'd by the Event, they find a Will, wherein not the Arch-Duke, but the Duke of *Anjou* is nominated to the whole Succession, and that the Spaniards have received the Will with so general an Applause and Satisfaction? Is it not certain, that if in this Case *France* would still agree to the Execution of the Treaty, the Emperor would think himself very happy in having his Son peaceable Sovereign of *Spain*, the *Indies* and *Flanders*? And if so, then this grand Affair, contrary to your Argument, would certainly be made up without the least drop of Blood spilt about it.

How *France*
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France at least, to cover its falling off from the Treaty with a plausible Pretence, and to ground this Argument upon Matter of Fact, ought according to the Engagements of the secret Article, to have still left the Emperor his Choice, either of accepting or refusing the Conditions of the Treaty; and the Emperor still resolving to stick out, then *France* would have had Reason indeed, to object the Wars which must ensue, if it had stood to the Treaty of Partition in prejudice of the Will, in order to force the Emperor to content himself with the Conditions of it. But this is a Risk that *France* has not thought fit to run, knowing very well, that as Affairs are at present, there was no Reason at all to question the Emperor's Approbation. If the *French* Court could with any Reason have reckon'd upon a peremptory Refusal at *Vienna*, would it not have been a very proper Course to have offer'd

er'd the Emperor his Choice, thus to have laid the whole fault at his Door, and remain blameless? But if it has not done this, upon very good Presumptions that the Imperial Court would certainly come in, how then can the Ministers of *France* alledg with any pretence, to justify their Acceptation of the Will, that their standing to the Treaty would but occasion a War, to force the House of *Austria* and its Allies to acquiesce in the Conditions of it? To say, that altho the Emperor had accepted of it, yet still we must have had the *Spanish* Nation to subdue, who in such a Case would have used their utmost Efforts to prevent the Dismembring of their Monarchy; and consequently, that notwithstanding the Emperor's Acceptation, yet still a War could not be avoided; is altogether inconsistent even with Common Sense, which without the least improvement in Politicks, must of it self convince us, that the *Spanish* Nation could never have been able to bring the least Obstacle, or even the least Delay, to the Execution of a Treaty, which the Emperor and the Empire, *England* and *Holland*, and *France* it self, would then have unanimously agreed to.

This Reasoning, which you impute to the *French* Court, does farther include another very absurd Contradiction. For, to make it hold Water, they must suppose in *France*, that were they to allow the Treaty still to subsist, the Emperor, not satisfied with the great number of Kingdoms and Provinces which would come to the Arch-Duke's share by it, would farther aim by force of Arms at the whole Monarchy, and in order thereto would boldly ingage in a War against *England*, *France*, and *Holland*, United: And at the same time to make their pretence good for preferring the Will to the Treaty, that it tends more to the Preservation of the publick Peace; they must suppose that the Emperor, who now sees his Son depriv'd of the whole Succession, will nevertheless bear it patiently, notwithstanding the Hopes he may pretend to of having *England*, and *Holland*, together with *Portugal*, of his side, by the great Interest they have in the Preservation of the Treaty which is now violated; whereas in the other Case they would have been against him.

I come now to consider your main Argument against the Treaty of Partition, which you set forth in exaggerating the Condition that *France* would have been in by it, to command absolutely the Commerce of the Mediterranean; which must have brought inevitable Ruin upon the Trade of *England*, and *Holland*: from whence you infer, that the late King of *Spain's* Will is more for our Advantage than the Treaty. I cannot forbear telling of you, that I find a Partiality in your Argument, I could not think you capable of: For, if you are really persuaded, that *France* having once possession of the Kingdoms of *Naples* and *Sicily*, would be in a Condition to ruin our Trade in the *Mediterranean*, without being oblig'd to have any regard to the Alliance grounded upon that very Treaty, which then would have had its due Effect; can you imagine it will be more complaisant to us now, that it has broke thro all the Obligations of it, without making the least use of those Advantages which the Duke of *Anjou's* Accession to the Throne of *Spain* seems to offer? Why must you fancy, that *France* would have gone back from its Engagements in the first Case, when it could have only pretended to interrupt our Levant Trade; and in the second, that it will be more exact and scrupulous, notwithstanding the Condition it is in of aspiring at the Command not only of the Levant Trade, but likewise of the *Indies*; when it has so fair an Opportunity of attempting at a Monopoly of the *Spanish* Wool, to the perfecting of its Manufactures, and the ruin of our own; when it has both Power and Pretence for making such Enterprizes upon the *Spanish* Netherlands, as must draw the ruin of *Holland* after them, which then must be soon follow'd by that of *England* too? You will own, I dare say, that if *England* and *Holland* appear altogether insensible in so nice a Juncture, without shewing the least inclination to bestir themselves, it will be much more easy for the *French* to compass all these great Designs, than to have ruin'd our Trade in the *Mediterranean*, if the Treaty of Partition had been fulfil'd: Because there would still have remain'd such a Counterpoise and Ballance of Affairs in *Europe*, in this last Case, as should have bound *France* to a peaceable Behaviour, and kept it from any Infractions or Innovations: The Pope, and all the Princes of *Italy*, who must have been very jealous of so powerful Neighbours, would have been ready to take hold of the first favourable Opportunity of making a League against them, in which the Emperor would have been very willing to come in, both for his Interest, and that of the Duke of *Lorain* his Nephew, who then would have been Duke of *Milan*: The Arch-Duke, then King of *Spain*, would have stuck

5. The Execution of the Treaty could have brought no Prejudice to our Trade, nor that of the Dutch in the Mediterranean, but the Acceptation of the Will may do it.

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close to us, and concur'd in all those Measures which we our selves should have thought necessary for the safety of *Flanders*, the common Barrier both to *England* and *Holland* against *France*.

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And now, Sir, I leave you to judge, whether *France* durst have ventur'd upon the interrupting of the *English* and *Dutch* Trade in the *Mediterranean*; when in the very Attempt, the *French* must have brought those two powerful Nations, the Emperor and Empire, the King of *Spain*, and all the Princes of *Italy* upon their back? You would fain remove our Fears and Jealousies by the present Disposition they have in *France*, of living peaceably with their Neighbours. But who can secure you, that this Crown does not feed its Ambition with Hopes of succeeding in all those Projects, which the favourable Juncture of the Duke of *Anjou's* Elevation to the Throne of *Spain* may put it upon? This one thing, at least, seems to me very expedient, that we must not in common Prudence give the *French* any Encouragement to enter into Temptation; by making them sensible before-hand, of meeting with Difficulties enow to make them miscarry in the Execution. Should we not render our selves altogether inexcusable, if our present Indolence should become their principal Motive for venturing upon any, tho ever so bold and prejudicial Undertakings? That being to be depended upon, they can have no Reason at all to apprehend the Event. No sooner has *France* found, that it could place the Duke of *Anjou* upon the *Spanish* Throne, but all the Engagements it lay under to us by the Treaty of Partition, have not had force enough to bind it: And can we think after such an Example as this, that it will make a Difficulty of attempting any thing for its Advantage, in which there may be a probability of Success?

I fell t'other day in Company with a Gentleman, who I believe had not as charitable Thoughts of the Disposition they are in in *France*, as you. Do not think, said he, directing his Discourse to me, That *France* will stop short in so fair a way of forming great Designs; nor that it has renounc'd so many fine Provinces, which by the Treaty of Partition would have been settled upon it, if it did not expect some more considerable Advantages in accepting of the Will. That Court is too well known for being act'd wholly by its Interest, for the rest of the World to believe it has broke thro all the Obligations of a Treaty, so lately and so solemnly made, upon the single Motive of aggrandizing the Duke of *Anjou*. Sir, you may assure your self it has had advantageous Ends of its own in the doing of it. *France* does certainly expect to Govern under the name of the new King, and the Grandfather to have all the Influence he can desire in his Councils. The Recompence lately bestow'd on the Marquis d' *Harcourt*, in dignifying him with the Title of a Duke, does but too evidently bespeak the nature of the Services he has render'd during his Embassy at *Madrid*; and the Choice that is now made of him, to return thither in the same Quality, plainly discovers what Services are expected from him there for the future: It is, no doubt, to continue his Intrigues in a Court he is thoroughly acquainted with. Those among the *Grandeess* whom he has found ways of bringing over, to put the late King upon so favourable a Testament to *France*, and who only are employ'd in the present Ministry, will be very apt to second him in all his Projects. They will make it their business to persuade their new Master, who will be ready enough to receive such Impressions, that by closing in with *France*, there will be nothing impossible for him; and that he need not doubt of putting himself one day in a Condition of re-uniting those flourishing States to his Monarchy, which have been not long since dismembred from it. In a word, not only *England*, and *Holland*, ought to apprehend the loss of their Trade, but all Europe ought to dread the loss of its Liberty.

Accepting
the Will not
more for our
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This Gentleman was very far from looking upon the Acceptation of the late King of *Spain's* Will, as more for our Advantage than the Treaty. Perhaps you will answer, that his Fears and Apprehensions were groundless: But has not the *French* Court it self in effect insinuated the contrary? Since in the first Article it declares, as a principal Motive for making the Treaty of Partition it has enter'd into jointly with his Majesty and the States-General, that it has been with a design to remove all those Umbrages which so many vast Territories, united under one Head, must otherwise give. They indeed speak at present in *France* after another manner; and finding that instead of the Arch-Duke, the Duke of *Anjou* himself has been nominated, they conceive no more Jealousies and Fears from the uniting of all these Dominions in one single Power. But I dare say, you will find such a Turn as this too partial not to suspect it.

I may therefore expect your concurrence with me in this point, that in the present posture of Affairs, *England* and *Holland* cannot stand too much upon their Guard. We all know how often *France* has endeavour'd to have the *Spanish Netherlands* in its Possession, and make a Conquest which would have brought so considerable an addition to its Power. I may farther say, that we all see these Countrys at present (unless we are resolv'd to shut our Eyes) in greater danger than ever of falling under the Dominion of *France*. They are not like to want there, either Pretences for the sending Forces upon them, or Means of bringing the *Spaniards* over to consent to it: And frequent Suggestions will be given them of Enemies ready to seize upon these rich Provinces, and wrest them at once from their Monarchy, and the Catholick Religion. The most Christian King's readines to take his Grandson's Dominions under his Protection, will step in next, and be set out in its most plausible Colours and Advantages: And who knows but the old Project may again be set on foot of having these Countrys yielded up to *France* for an Equivalent?

I do not doubt but you comprehend very well how fatal the Consequences of such an Event must be to us. Not only the adjoining Countrys of *Liege*, *Juliers*, *Treves*, and *Cologne*, could not then avoid coming under the Yoke of *France*; but, what deserves our Care and Attention most, *Holland* it self, whose Fleets and Armies have had so considerable a share among the Allies for the common Safety, being expos'd on all sides to the formidable Power of *France*, would run an evident Risk, either of being downright subdued by, or at least brought into a state of Vassalage to it.

The *French* being once Masters of *Flanders*, have no more to do for the giving a deadly Blow to this Republick, but to bring back Trade to *Antwerp* by forcing a free Navigation on the *Scheld*; which would leave the *Dutch* no other way of sending off such a Stroke, but by putting themselves so under the Protection of *France*, as to be barr'd from entering into any Leagues without having first the Approbation of that Court; and from the enjoyment of their flourishing Trade, but upon condition that *France* should share in the Profits of it, and that they in conjunction with that Crown, should endeavour to destroy ours. If *France*, having no other Sea-Port besides *Dunkirk* in the *Low Countrys*, has found out the way of drawing so considerable Advantages from, and making it turn so much to the Prejudice of our Navigation; what must we expect, when being possess'd of the remaining Sea-Ports of *Flanders*, it will have those of *Zealand*, and *Holland*, so at Command, as to dispose of them with the same Authority, as if they actually belong'd to that Crown? Do you in your Conscience believe we should then be able to make head against it? and that its Riches being so vastly increas'd with the number of its Subjects, and its Union with *Spain* putting it in a fair way of having the main Ascendant over, or rather Command of Trade, from the *Baltick* to the *Levant* and the *Indies*, we could find a competent Rampart in our Fleet, which then would be our only remaining one, to withstand a Power so formidable both by Land and Sea?

We have some People in *England* extravagant enough to fancy, that with a good Fleet we need not fear tho all the World were against us; which Opinion of theirs runs 'em into this most dangerous Maxim, that we need not concern ourselves at all with the state of things abroad, even among our nearest Neighbours. But after the Experience of the late War, one would think it were needless to confute so groundless an Error: We do not meet with it now, but in the Mouths of some false-hearted Protestants, for some By-ends which are known to every body; or of open and profess'd Papists, who would gladly see the Protestant Religion and Interest quite oppress'd among our Neighbours, as well as their Laws and Liberties; in hopes thereby of seeing the same thing effected in *England* soon after, the one being an apparent Consequence of the other. 'Tis what the Representatives of the Nation were very sensible of in the late War, and therefore what put them upon making those Efforts, as shew'd they had no less Penetration in judging of our Danger, than Zeal and Readiness to prevent it. They were fully convinc'd, that the Interest as well as Glory of *England* consists in keeping the Ballance of *Europe* in our Hands, which infers an indispensable necessity of concerning our selves with what happens in it. They were sensible the Nation could not carry its Trade in too many Places, and that in order thereunto we must make a great many Alliances, which consequently it must be our true Interest, vigorously to maintain, and faithfully to observe. If they thought it their Duty on the

one hand to help and assist their Allies, on the other they were far from despising those Succours which might be had from them. They readily admitted the Junction of the *Dutch Fleet* to ours, being well satisfied it added very much to our Strength and Power. In a word, their whole Conduct made it plainly appear; they were thoroughly persuaded, *That as Europe could not then be rescu'd from Slavery, but by the effectual Succours of England, so neither can England escape if the rest of Europe be enslav'd.*

*Its danger
by Hollands
being com-
pel'd to put
it self un-
der France.*

And yet this is an Extremity we should soon find our selves reduc'd to, if *France* being possess'd of *Flanders*, should once disable the *Dutch* from being in a Condition to assist us, or which is yet worse, force them to a Necessity of joining against us in their own Defence, to bring that present Ruin upon others, which otherwise would fall upon them. All manner of Communication being then cut off between us and *Germany*, they finding in the Empire no Possibility of receiving any help from *England*, would neither have the Will nor the Power of making the least Diversion in our favour. And to compleat our Disasters, what Condition should we be in, if our Fleet, which then would be our only, tho weak Refuge, were either shatter'd in a Storm, or defeated in Battel? Sir, I appeal to your own Judgment, if after the Ruin of our Trade, we could be able to sustain a War with an already formidable Crown, after such vast Accessions to its Strength both by Sea and Land. Let our Merchants judg, whether we could carry on our Trade, if the Seaports of *Holland*, and those of *Spain* both in the Old and New World, were shut against us? When *France* commanding the Treasures both of *Peru* and *Mexico*, would make quite another Use of them, than what *Spain* has done? In short, when our Merchant Ships, Islands, and Plantations, would lie at the Discretion of those vast Fleets, both of Men of War and Privateers, which this Power would then cover the Seas with?

Were it necessary to enter farther into Particulars, for the making out of this too palpable Truth, I could easily demonstrate, that as Affairs would then stand, we might be deny'd the Liberty of the *Baltick* as well as *Mediterranean Sea*; and of trading our selves into *Spain*, *Italy*, the *Levant*, and the *Indies*; that *Portugal* would not dare receive our Ships into its Harbours, or, which is yet more to be fear'd, would be in danger of being re united, as it has lately been, to the Crown of *Spain*; that the Ruin of our Manufactures would quickly follow that of our Navigation: but this appears too plain for me to insist upon it.

*D. of Anjou
will proba-
bly follow
the Humors
of France.*

May be you are ready to answer, *That these things cannot come to pass without supposing an Union of Spain to France, which is not likely to happen; and that it is to be hop'd the new King will soon become a very good Spaniard.* But is it not more likely, that this Prince will in the main follow the Humour and Directions of *France* in the Management of his Affairs; and that the Duke of *Harcourt* will be in the Secret, and at the bottom of all his Counsels? I may add, That a false Zeal for Religion, whose Maxims *France* does blindly follow, and which prevails no less in *Spain*, will be a very powerful Motive to unite these two Crowns together in the same Measures and Interests, and set them upon the Ruin of those that pass among them for Hereticks; especially when that puts them upon a Prospect of carrying on the whole Trade of *Europe* between them. Farther, it is more than probable, that the Grandees of *Spain*, having so openly declar'd themselves against the Emperor's Pretensions, and who for that Reason cannot be well look'd upon at the Court of *Vienna*, will throw themselves altogether into the *French* Interest. I ask then, if while we are threaten'd with so great and apparent Dangers, we must quietly expect our Destiny, without making use of those Remedies we have still in reserve to provide against them?

7. What
Measures
we ought
to take in
so impor-
tant a
juncture.

There is no other way for us to avert these Mischiefs, but by putting our selves (together with *Holland*) in a good Posture of Defence: That of it self will still have some Awe upon *France*, and oblige it to keep Measures with us; otherwise we may expect such Infractions and Innovations as must involve us at last into an unhappy War; and the best way to avoid it, is to shew we are dispos'd upon occasion to carry it on with the utmost Vigour. If any thing is capable of opening the *Spaniards* Eyes, and making them listen to their true Interest, which is to keep on the same Terms with *England* and *Holland* as in the late Reigns, it must be by making them sensible we have still both the Will and the Power to look to our selves, and stand effectually by our Allies: Without this, they must close in with *France*, and leave us the Displeasure of having oblig'd them to it. If our Preparations prevent a War, can we desire a happier Effect from them? But if they cannot prevent

prevent our being attack'd, do they not then become absolutely necessary for our Defence?

As Circumstances are at present, that our Trade runs no small Risk, I hope you will allow that we are under an indispensable Obligation of having a good Fleet at Sea; and that it is no less necessary to keep up the publick Credit of the Nation, in making good all deficient Funds: But, that which ought chiefly to be the Care of the Nation, we must give all possible Demonstrations of an intire Confidence in the King, and let the World know, in as publick and authentick a manner as we can, That we shall always be ready to concur with and second his Majesty to the utmost of our Power, in such Engagements as he shall think necessary to enter into abroad, for the Safety and Welfare of his People.

How great soever our Dangers may seem, yet we have this for our present Comfort, That we shall not want Power to help our selves, whilst we have that Renown'd Prince, who so gloriously fills the Throne, at the Helm of Affairs. It is impossible even to think upon those Misfortunes in which the present Juncture of Affairs would inevitably involve Europe in general, and England in particular, without trembling, were we now wanting the unvaluable Benefit of his prudent Administration! Nothing less than a Prince who has so much Credit and Interest in all the Courts of Germany, who bears so great a Sway in Holland, and upon that account is so fit to cement that Union between us and this Commonwealth, which is now more than ever necessary, can effectually provide for the common Safety: And since the past Experience of his Reign tells us, That God has granted and preserv'd this Prince to us for our Deliverance in many pressing Dangers and Difficulties, let us make the best Advantage we can of that time which God has still in store for him! Let us shew to all Christendom, by our Zeal and Cheerfulness in standing by so worthy a Chief, That we are not a Nation whose Alliance is to be neglected, and Enmity despis'd. I am,

London, Dec. 1.
1700.

Sir, &c.

Some Reply to a Letter pretended to be writ to a Member of Parliament in the Country in Defence of the Treaty of Partition.

The PREFACE.

IT must be confess'd by all (whatever just Reasons we may have of Complaint) that our How far Resentments should not blindly carry us on to Self-destruction; in this Death-bed con- Rejent- dition of the State Forgiveness is in season, and Union highly necessary amongst those ments who only differ in Name. Those well-meaning Men who have step'd a little aside by the should be Influence of Party, and Persuasion, should meet with no reproach; and all should be ad- carried. mitted and excus'd, but the busy and getting Knaves: Such Succors would infect our last Reserves, and the Nation can never struggle with Courage, till eas'd of their oppressive Weight.

But are they Well-wishers to this necessary Union, who confidently justify past Miscarriages? and, while the mistaken and treacherous Management of the late War is fresh in our Minds, who can hope to embark the Nation in a new one, without Certainities of a better Conduct for the future?

The Personal Courage of the King, his Interest abroad, the Resentment he ought to have for the late scornful and perfidious Usage from the French, a thousand Reasons oblige us to hope

hope well for the future, and to think of no past thing that can any ways cool or shake our Zeal for his Service. Our common Safety obliges us to do the like to our Allies; the present Danger will engage them to act upon the Square with us: but this Argument goes no further; if we want the Dutch Fleet, and their Troops; if we want so brave a Prince to head the Confederacy, I hope we may spare such Ministers whose Administration has occasion'd the Length and oppressive Expence of the late War, and forc'd the untimely Peace.

Liberties
of Europe
lost with-
out Union.

I agree with all those who conclude that the Protestant Interest, the Liberties of Europe are given up to the French, unless there be a perfect good Understanding betwixt the King, his People, and the Confederates: but that will never be effected by the Advices of those who argue falsely, and flatter grossly; all heart-burnings must be over before we can unite to any purpose, and buckle to the great Work with that Spirit and Confidence which only can make it Successful. As we are well advis'd to have a Confidence in the King, so a Confidence in the Minds of the People must be created, of his Measures and Ministers.

Character
of the Eng-
lish.

Whoever believe the People of England afraid of a War; whoever think they would tamely resign Conscience, Liberty and Honour, and hold all that is dear to them in Confidence of the Integrity of a Prince, who can explain Treaties by Intentions against the express Terms of them; whoever conclude the People of England will hold their Estates, depending only upon the sincere Inclinations of the French King for the Peace of Europe; whoever hath such Thoughts, I hope is much mistaken. I own Englishmen have met with enough to bait their Mettle, but yet they do not fear the Enemy; they fear the treacherous Friend, they fear Advices from Foreigners ignorant of their Constitution, and Projects from young Statesmen more ignorant than they; they are frighten'd when they see their Fellow-Citizens attack'd with so much Malice at home, and their Enemys with so little Vigour abroad: And what private Man, what Societies can be without Fears, when they find their Estates (escaping the Fury of the Sea and the Enemy) shipwrack'd ashore, and expos'd to greater Storms in Parliament than in the Ocean? Our Adversaries will allow the English do not fear the Battel; but have they not good reason to fear the Peace, and those sort of publick Treatys which are always attended with private Articles, especially when the publick Parts of them, known to all others, are only Secrets to themselves? And can they be easy, when they grow poor in a War, in which their Neighbours grow rich? Can they be satisfy'd to have their good Allies take that part to themselves of Treating and Concluding, and only leave it to them to fight and pay? In a word, they hate Contempt, and must have fair play; accept their Counsels, if you expect their Mony; assure them of their Liberties, and you may dispose of their Lives, and easily induce them to take up Arms against a Prince, whom no Ties from God nor Man can bind, whom no Advantages can satisfy while he hopes for greater; who enters into Treaties, only with a Design to procure a profitable Opportunity of breaking them.

Some Reply to the pretended Letter, &c.

I Had not the least thought of attempting to make a Reply to the pretended Letter in justification of the Partition-Treaty, till I was inform'd there were those that endeavour'd to obtain it a Parliamentary Approbation, and that some of the Arguments of this Artificial Pamphlet were made use of to such a Design. Since I cannot match it for Art and Expression, I must make the Reader amends by Plain-dealing, that every Man may easily judg of me; I will speak sincerely, and let other People know how I shall judg of them. Whoever declares against the necessity of a vigorous War, and are for temporizing Measures, if I must allow them Honesty, I shall question their Understanding; and if their Abilities are out of doubt, it is to be fear'd they are willing to accept of more Titular Kings from France than one. But for those Complimenting Gentlemen, who with this Author are of Opinion that we must declare in the most publick manner, we are ready to concur with Measures taken in any other Place, but in the Parliament now assembl'd; They who advise we should put our selves in a Posture (as they call it) I must look upon as the highest of Flatterers: and the considering part of Mankind will certainly conclude they do not desire such Preparations, and such a Management of War as is likely to rescue the World from the Usurpations of France; but will suppose they want a pretty competent Army for some other Intent and Purpose, which they will pretend to guess at. This

This being premised, I must take the liberty to say, the Partition-Treaty might well be made use of to shew *Lewis XIV.* the most faithless of men: But sure the strict examination of it will never convince the World of the Wisdom and Foresight of the Promoters of it, upon any other views, than of procuring such a Will to be made as should give the intire Dominions of *Spain* to that Prince, who should be thought most able and ready to make good that Gift to himself, and preserve the *Spaniards* from the fatal and threatned Division of their Empire.

Now it is plain the Partition-Treaty left the *Spaniards* no choice: For supposing the Emperor as strong as the *French King*, and as ready to act in behalf of his Son, *England* and *Holland* were engaged to prevent the intire Dominions of *Spain* from falling into the hands of the Arch-Duke; it is yet undetermined what they will attempt against the Duke of *Anjou's* Pretensions to the Whole. This were enough to answer at once the two first Heads, shewing the weakness of the Partition-Treaty, and giving undeniable Proofs that it occasion'd the Will in favour of the Dauphin's Son.

Partition left the Spaniards no Choice.

But I shall follow this Author in his own Steps, and let the World see the Sincerity and Strength of his arguing. First he allows it were much better for us, and for the Ballance of *Europe*, that the Arch-Duke were Monarch of *Spain*. But, says he, 'this must be effected either by engaging into a confederate War against *France*, and aiming at the Whole, or entring into such a Treaty of Partition as might peaceably accommodate both Parties. He represents the first hazardous, *France* in a readiness, the Allies unprovided, and the *Spaniards* willing by a speedy Submission to prevent the Ruin of their Country. In such Circumstances, after a long and tedious War, how glorious a Conclusion of it would it be for the Allies to have forced a Prince of *France* to quit *Spain*, the *Indies*, the Low Countries, and content himself with the Kingdoms of *Naples*, *Sicily*, and the Dutchy of *Lorain* in exchange for *Milan*, which are the Terms of the Partition-Treaty?

False Arguments of the foresaid Letter.

'He would obviate the Objection of procuring such large increase of Territories and Naval Power to *France*, by putting it to our Consciences, whether we think the *French* would have been less Gainers by the War than the Treaty, and pretends to an almost certain assurance of a general Submission amongst the *Spaniards*. He values at a great rate the Renunciation of the *French* to the Kingdom of *Navarre*, and the procuring the Friendship of the Arch-Duke, who would have owed the Confederates an eternal Obligation for having procured him the Kingdoms of *Spain*, the *Indies*, and the Low Countries.

'These are the Arguments he makes use of to shew the necessity of making the Partition-Treaty, and the great Advantages which would have ensued the observation of it.

'He comes next to prove the entring into this Treaty cannot well be charged with giving occasion to the Will in behalf of the Duke of *Anjou*; in answer to those that pretend the Partition-Treaty occasion'd the Will. Think rather, says he, that the apprehension we had of such a Will was a principal Motive for our entring into such a Treaty. The Court had very good Intelligence that the Marquis of *Harcourt* improv'd his Master's Interest daily at *Madrid*. The Ministers of *France* made no Secret of it: It was to provide against all pretences of such a Will that *France* hath been induced to those positive and express Renunciations in the Treaty, if it had been in a humour of keeping to the Terms of it.

'But suppose the Partition-Treaty had never had a being, do you think, says he, that the King and Grandees of *Spain* could ever have had Faith enough to believe the Arch-Duke might have been instituted Heir to, and put in possession of the whole Monarchy, without dismembring any part of it? Could the *Spaniards* imagine the Arch-Duke should ever be able to force *France* to an entire resignation, without the greatest Efforts from *England* that had ever been made in it; and did they see the Nation in a temper of engaging vigorously in a new War?

'The Nomination of the Arch-Duke must of necessity kindle an universal War, and a War in which *Spain* must have been exposed as a Prey to the *French*, whilst at the same time it would have been out of the Power of the Allies to afford them timely Succors: Such apparent and inevitable Dangers must of themselves have determined the King and Grandees of *Spain* in the Duke of *Anjou's* Favour, tho the Treaty of Partition had never had a being.

'The

‘ The Treaty of Partition could not so exasperate his Catholick Majesty as to take such Resolutions against his own Family, were they not agreed upon afore upon the score of Necessity; since the Emperor’s sticking out of the Treaty was a fresh Motive to favour the Duke of *Austria*, and afforded a new reason to the Prejudice of *France*, whose King had been the great Promoter of so disagreeable a Piece of Work.

I must take the Liberty in my Observation upon these two Heads, to put them in a more natural Order. I shall begin with the last; and if I give good reasons to convince Mankind, that the Partition-Treaty solely occasioned the Will in favour of the Duke of *Anjou*; if I produce the strongest Arguments to prove the *Spaniards* otherwise inclined before that politick Expedient; and if I show that Interest, Resentment and Necessity justify their present measures, I think I am pretty well eased as to the Second Point, and shall have no hard Task to make out there was no Necessity, not so much as a tolerable Excuse for such a Treaty.

I think these are two Arguments little short of Demonstration in the Point, which confute all those frivolous Pretences, that inevitable Dangers from *France*, and want of timely Succors from their Allies must have determined the King and Grandees of *Spain* in the Duke of *Anjou*’s Favour, tho the Treaty of Partition had never had a being.

Reasons to
prove the
Partition
occasion’d
the Will.

And 1st, did not the *Spaniards* return an Answer to the Threats of the *French*, with a Haughtiness natural to the Temper of that People, when the Electoral Prince of *Bavaria* was pitched upon to succeed to the *Spanish* Monarchy? Was the King of *France* then willing to resign his ambitious hopes? And was not his Son’s Title as good against the Electoral Prince as against the Arch-Duke of *Austria*? were not the *French* as much prepared, and the Allies as much disarm-
ed?

Was the Elector of *Bavaria* better able to maintain the Pretences of his Son than the Emperor, and the Forces of that Electorate a better support to *Spain* than all the Troops of the Empire, and the Forces of the House of *Austria* freed from the War with the *Turks*? It is plain then, the *Spaniards* at that time were not awed with this irresistible Power of the *French*, nor too despairing of timely Aid from their Allies.

But 2^{dly}, the greatest Proof that *France* alone could not, and did not terrify the *Spaniards* to the degree our Author pretends, and that the *French* King knew it full well, is the Partition-Treaty it self managed by that politick Prince, who finding he was not able alone, got *England* and *Holland* to help him to fright the *Spaniards* into the compliant Measures they have taken.

But, says our Author, could the King and Grandees of *Spain* ever have Faith enough to believe that the Arch-Duke of *Austria* could be instituted Heir to, and put into Possession? &c. Alas! must the poor *Spaniard* be accused of want of Faith? I thought his Superstition and Vanity had made him apt enough to believe and presume: say rather, that no Man could have Faith enough to believe, when first informed of it, that *England* and *Holland* should join with *France* to the dismembring of *Spain*, and giving part of its Dominions to the *French*.

But now we are upon the Subject of Faith, I leave it with the Reader whose Judgment he will rely upon in this Case, either that of the King of *France*, or of this well-informed Author: He believes the *Spaniards* would have declared in the Favour of the Duke of *Anjou*, tho the Treaty of Partition had never had a being; the King of *France* undoubtedly thought otherwise (the Marquis of *Harcourt* had not trusted him with the Secret of his Success at *Madrid*) for no Prince would chuse to have that by open and avowed Violations of solemn Treaties and Engagements, that could compass it otherwise; and as free as the ambitious Monarch is of his Word and Honour, if he could have had any Certainty of a Will in favour of the Duke of *Anjou*, but by the Stratagem of the Partition-Treaty, that Treaty had never had a being, nor that Prince been a Party to it.

But what shall we say against matter of Fact? The Court had very good Intelligence, says our Author, that the Marquis of *Harcourt* daily improved his Master’s Interest at *Madrid*, &c. Here indeed he speaks like a great Man, who might perhaps have had an invisible share in this admired Treaty; he knew the Intelligence of our Court, and knew it was good. This I confess was, and is a Secret to most People. But what shall a little Man at a distance reply to those that are so well apprized? I can only say this, it is hard to believe a Prince, so well informed how much a *French* Ambassador could daily improve his Master’s Interest at *Madrid*, should have no Subject there of his own to act for himself.

But

But our Author, to conclude the Head with an Argument of great Weight and Sincerity, says, *The Treaty of Partition could not so exasperate his Catholick Majesty, as to make him take such Resolutions against his own Family, were they not agreed upon before on the score of Necessity.* What did it signify whether the King and Grandees of Spain were pleas'd with the Emperor's refusing to come into the Treaty, or angry with the King of France for promoting the disagreeable piece of Work, as he terms it? The Emperor's refusing to consent could not prevent the Execution of the fatal Sentence, as I may call it, of their being drawn and quarter'd. If they were to be angry for such a Management by their Enemies, what Indignation must they have for the like from their Friends? And if Men or Kingdoms can be exasperated (unless they are more Phlegmatick than others) what could be more affronting to the Spaniards in their publick or private Capacities?

It does not add a little to the Injuries done to that Nation, to have their Ruin undertaken by Methods never attempted before in all the Ages of the World; the worst Effects of War, the worst Usage can be receiv'd from Enemies: To have the first attempted in times of Peace, to receive the other from pretended Friends, is hard indeed. What desperate Resolves might not this produce, when done in the face of the Sun, without any Pretence or Occasion given by the Spaniards for this hard Usage, or without consulting them towards finding some Expedients for the pretended Quiet and Good of Europe?

Had their Resentments in this Case led them into Measures fatal to themselves which they could have avoided, something might be said; but unless Self-preservation be unnatural, and choosing the only Expedient ~~best~~ a Foily, I may presume to say the Partition-Treaty forc'd the Spaniards into the Interest of France, having depriv'd them of all other Expedients to keep their Monarchy intire.

But upon his first Head our Author makes this great Discovery [*The Arch-Duke could not be settl'd on the Throne of Spain, but either by Treaty or War: The War is hazardous, and the Treaty must be such as might peaceably accommodate both Parties*] from whence he would conclude this Treaty necessary. It is reported that a Lord should say in a very publick Place, that a Treaty of Accommodation in its nature must please all Parties, that one was never consulted with. But this accommodating Treaty hath had a peculiar Fate, it hath pleas'd no body: The Emperor would not consent to it, the King of France hath reject'd it; and (what never happen'd afore in England) upon second Thoughts not a Lord Spiritual or Temporal had a word to say for this Court-Measure.

But he is certainly in the right in his next Argument [*No People would make War under an impossibility of gaining so much by the Sword, as it offer'd them by a Treaty.*] But how is this made good? He tells us, *how glorious a Conclusion it would be of a tedious War, to have forc'd a Prince of France to quit Spain, the Indies, the Low-Countries, and content himself with the Kingdoms of Naples, Sicily, Milan, &c.*

I will only follow this great *Amateur's* Example, and then make him an Answer in his own Terms. I only take the small Liberty to put the Confederates in Possession of all France; and then how glorious a Conclusion would it be of a long and tedious War, if the French King could recover so much of France, as to force the Emperor to content himself with Stratsburg, Alsace, and all the Places on the Rhine, the Spaniards with all the French Flanders, and the English with Normandy, Guienne, Dauphiné, and Calais, and save the rest?

But how in the Name of God (how but by the Partition-Treaty, or Miracle) were the French to be put into such a Condition, that the happiest and most glorious Conclusion of a War that could be expected from the united Arms of the Empire, England and Holland, to name no more, was only to have lost two Kingdoms and *Adrian to the French?*

I hope the *Transfer of the Pointure* would not put an exhausted Nation to new Expenses, but to do something with their Warlike Preparations. Then I ask him, if he will not think it a glorious Conclusion of the present War, if we put the Arch-Duke of Austria in possession of all the Dominions of Spain? But supposing that possible, what have we got but what the Treaty hath prevented and lost? Which he appeal'd to Spanish Faith, his Expressions were unlucky; for certainly they must believe *Lee might be substituted Her to, and put in possession of the Spanish Monarchy* since that was in their own Power; the defending him in that Possession I own is another Point. But is our Posture-man for a War? If so, it were monstrous to pretend they have not Power to maintain what they had Power to conquer; and what we can regain we might have preserv'd. *Veni, vidi, vici,* would

would not have carry'd a *Cæsar* from Italy, thro Spain, from Flanders to America. To go and see would have cost the haughty Monarch many a Year. It was a shorter way to get it all by a Treaty with a Minister who had a foreign Birth, and no Establishment in a Country of whose Interest he presum'd to dispose, without any written Instructions to guide, support or justify him in his Negotiations upon so universal a Concern, and with Powers granted him to begin the Treaty in England, bearing date after it had been agreed to, and concluded in Holland.

I must own I never met with so much elegant Nonsense, and such fallacious Arguments as are to be found in this Paper. I should never have had Patience to answer them distinctly, but that at the same time it gives me an Opportunity of representing our present Circumstances in a true light, which perhaps might be of some Use, tho this artificial Pamphlet had never had a Being.

I cannot but say of it, as I have observ'd of some Men imposing upon the World without Parts or Probity, by an affected Air of Gravity and Frankness; so this State-piece, without any Truth or Solidity, seems to have something in it, till it vanishes all to Smoak, and proves nothing under a second Thought.

The Power of England to be rightly applied.

It is now highly necessary we do not misjudg our own Power; but be it what it will, I am sure we must exert it, and our Ruin or Happiness depends upon the proper Application of our Strength. A famous Author hath taken notice of the Folly of an Ass's butting with its Ears; but the Mistake is no less ridiculous, when a Bull runs his Horns against a Wall. This Writer of Letters takes strange Liberties: sometimes we are guelt Animals, without any Force or Courage; but when it is for his present Purpose, with too short a Memory he restores us almost in the same Page to our Vigour and Strength.

Irresistible Power of France a fallacious Argument.

The Foundation of all his Arguments, either in Justification of the Partition-Treaty, or to persuade that the Spaniards without the Treaty would have declar'd in favour of the Duke of Anjou, is laid upon the almost irresistible Power of France; and yet, when he pretends to decide in these Words [*The Emperor ought undoubtedly to have declar'd himself within the time allow'd, &c.*] and ends in these Words [*He was often forewarn'd to take care lest a Will in behalf of the Duke of Anjou should one day foreclose the Arch-Duke from the whole Succession, if the Imperial Court did not betimes take Measures with England and Holland to oblige France in such a Case to a punctual Execution of the Treaty*] here he hath blown up at once the sole Foundation of all his florid Arguments. If the Emperor, England and Holland could have entered into Measures to oblige France to any thing, then I am sure the Partition-Treaty should never have had a being, which he only pretends to justify by the irresistible Power of the French; and if they cannot bind him (who never bound himself by any Ties, the most sacred) to what purpose is any Treaty? If those united Powers could have oblig'd France to what must have been disagreeable to Spain, sure they might have oblig'd France, with Spain of their side, to have consented to such a just and proper Settlement of the Spanish Empire, which the whole World would have approv'd, and supported.

But I had like to have forgot these important Advantages of the Treaty [*The Renunciation of the French King to the Kingdom of Navarre, and the Friendship of the Arch-Duke secur'd to us by what was obtain'd from him in this Treaty.*] O happy Country! if it had been secur'd by so sacred an Engagement, the Security had been just as good, as the Obligation is great, which the Negotiators have laid upon the Arch-Duke, who have lost him his whole Dominions by pretending to ensure him some part of what was his due.

But his weak Excuses, when he magnifies the French Power, will appear in their true Light, if we consider that this dreadful Monarch from the prime of his Youth to this time, for above 30 Years together, hath been attempting to possess himself of one remote Province of this Empire, and ever without Success, and often when the Kings of England were not only Well-wishers, but Assistants to him; and now in his old Age, when he hath one Foot in the Grave, and under the direction of his Nurse, we are to conceive he was in a Condition in a moment to swallow up all the divided Parts of the Spanish Empire.

That nothing can enable him so to do, that nothing can give him such an Opportunity but the last Ministers, or a Ministry succeeding them taking the like Measures, is what I may endeavour to show in some other Paper; and if I have not given sufficient Answers to this elaborate Piece, I have this tolerable Excuse, that I could not prevail with myself to write upon this Subject, till I was inform'd this Treaty was justify'd and applauded in a publick Assembly, and was afraid an Address of Recommendation might have been

been presented to the King in behalf of those able Ministers, who design'd to give the *Mediterranean Trade*, and several Kingdoms to the *French*, by the express Terms of the Treaty, and by the Meaning, Intent, and necessary Consequences of it, have put him in possession of all the Dominions of *Spain*, for the Preservation of the Protestant Religion, the Ballance of *Europe*, and Peace of the World; but I find the Event very different from my Fears. One House hath unanimously agreed the Facts, and the other no doubt will consider of them.

Our antient Constitution to encourage Learning, had given the Benefit of the Clergy, that is, being able to read was an Absolution for a first Fault: But *non legit* (for there are no written Instructions) and Ignorance now seems the happy Excuse for a Minister of State. It is high time to address to the King, that Strangers and Tools be no more employ'd, that Men of Sense may be answerable, and punish'd for their Miscarriages.

It bears an Argument which might prove most pernicious to *England*, the express Design of the Treaty, or the natural Effects of it foreseen in every Coffee-House long before they happen'd: but can it be doubted that Self-murder is much worse than Death? What is taken from me by force, I may endeavour and hope to regain; and better venture any loss, than part with half by consent to an Enemy, who will soon have the rest, and with this Aggravation, to be oblig'd to put the Sentence in Execution against my self.

I must be short, having too little time for the Subject; I refer to those Pamphlets better writ than if I had attempted the Argument: in my Opinion it is well prov'd by some of them, that could the War have been continu'd for some Years longer, it had reduc'd *France*; others shew with what Hopes of Success it may now be begun: if either of these Pretences are to be maintain'd, it passes my Understanding now the Partition-Treaty is to be justify'd, and yet all the *Dymocks* for this Treaty are ready to sling down their Gauntlets against *France*, and declare a War.

It is to be hop'd no body will more defend what hath been carry'd on in so affronting a Manner to our Nation, and in Methods so unwarrantable, and contradictory to our Constitution; and what hath so solemnly and so unanimously been given up in a place of such Authority, may well be agreed to every where else: commonly if the present Favourite be out of question, the last Tool is given up; it would make well meaning Men doubt of the Sincerity of the present Measures, if such Arguments were made use of as would damp a growing Zeal, by fruitless Attempts to justify past Miscarriages.

This Beginning might perhaps engage me to shew at more leisure, that our past Mismanagements have only prevented the Reduction of the *French Power* to that State, which the insolent Humour of that Nation requires, which the ambitious and faithless Temper of that Prince makes necessary: the proper Methods might yet produce the same Effects; this or never is the time. But such great things are never brought about by single Efforts, by the slow Motions of vast Bodies, or by the sole Capacity of the wisest of Men. The last War seem'd to have but one view (which might indeed be an universal Concern) but when the general Welfare is supported by private Interest, when every Party play their own Game, when the whole World must act for Self-Preservation, and when the Prospect is inviting enough, to make Seamen engage, no Purchase no Pay; when those that unite against the common Fo, have all to save, and much to get; and that Want of Conduct in one Place, may be recompens'd by the Success of vigorous Attempts in others: then according to the old Proverb, we have more Strings to our Bow than one, and our Condition is well alter'd since the last War, if we have more to hope, and less to pay; and perhaps it is no such ill Circumstance as some may imagine, when the People are so well undeceiv'd as to the last, that they should be something suspicious of the present Ministry; the former can do no further harm, and the others have sufficient Caution.

I leave this disagreeable Subject with Pleasure, and shall not resume it for the Justification of this hasty Paper, if Measures are taken for preventing the like fatal and unjustifiable Measures for the future. It were a sign of Repentment and ill Nature, to find fault only for the Itch of complaining; if there were no Remedies, Religion and Philosophy would incline to Resignation: but our Condition is far from desperate, we have a Prince whose Virtue and Interest can relieve us from the Mistakes which human Nature is liable to, and from the dangerous Effects of the ill Advices, and male Administration of his Ministers: if he find Disagreement amongst them, if he is sensible of the Danger of Whispers and private Counsel,

he may consult with his People who will not deceive him, and betray themselves; he may yet have the Assistance of all those who hate Tyranny, and love Liberty; nay more, of all those that dare not trust *French* Morals, *French* good Nature, with the Command of the World: yet further, those that are most aggriev'd by the fatal Expedient of the Partition-Treaty, are most able and willing to prevent the ill Consequences of it; and may the just Punishment of Heaven fall upon such of his Subjects, who owing him so much for his Assistance, and their Preservation in the late happy Revolution, do not support him to bring to Perfection so glorious a Beginning, for the rescue of the World, threaten'd with the Loss of Religious and Civil Liberty.

The Absurdities of this Paper cannot be fully expos'd, unless I had leisure to show in all Particulars the great Probabilities of Success in a future Confederacy against *France*, if undertaken in time, and well manag'd. But to conclude in a word, and give my poor Thoughts upon the whole, whoever is wanting in raising a just Resentment against *France*, whoever disguises or diminishes our present Danger, whoever would prevent a reasonable Caution in our Parliaments, whoever goes about to conceal or excuse past Miscarriages; I think all these are equally guilty, and equally betray the last Opportunity of settling our Government at home, and preventing our Ruin from abroad.

A Discourse of the Contests and Diffusions between the Nobles and the Commons in Athens and Rome, with the Consequences they had upon both those States.

Printed in
1721.

Si tibi vera videretur, Dede manus; & si falsa est accingere contra. Lucret.

C H A P. I.

Power originally in
the People.

IT IS agreed that in all Government there is an absolute unlimited Power, which naturally and originally seems to be plac'd in the whole Body, wherever the Executive part of it lies. This holds in the Body natural; For wherever we place the beginning of Motion, whether from the Head, or the Heart, or the Animal Spirits in general, the Body moves and acts by a consent of all its Parts. This unlimited Power plac'd fundamentally in the Body of a People, is what the Legislators of all Ages have endeavor'd in their several Schemes, or Institutions of Government, to deposite in such Hands as would preserve the People from Rapine and Oppression within, as well as Violence from without. Most of them seem to agree in this, that it was a Trust too great to be committed to any one Man or Assembly, and therefore they left the Right still in the whole Body, but the Administration or executive Part, in the Hands of One, the Few, or the Many; into which three Powers all independent Bodies of Men seem naturally to divide: for by all I have read of those innumerable and petty Commonwealths in *Italy*, *Greece*, and *Sicily*, as well as the great ones of *Carthage* and *Rome*; it seems to me, that a free People met together, whether by Compact or Family Government, as soon as they fall into any Acts of Civil Society, do of themselves divide into three Powers. The first is that of some one eminent Spirit, who having

The Division of
Power.

signa-

signaliz'd his Valor and Fortune in defence of his Country, or by the Practice of popular Arts at home, comes to have great influence on the People, to grow their Leader in Warlike Expeditions, and to preside after a fort in their Civil Assemblies: And this is grounded upon the Principles of Nature or common Reason, which in all Difficulties or Dangers, where Prudence or Courage are requir'd, do rather incite us to fly for Counsel or Assistance to a single Person than a Multitude. The second natural Division of Power, is of such Men who have acquir'd large Possessions, and consequently Dependances, or descend from Ancestors who have left them great Inheritances, together with an Hereditary Authority. These easily uniting in Thoughts and Opinions, and acting in Concert, begin to enter upon Measures for securing their Properties, which are best upheld by preparing against Invasions from abroad, and maintaining Peace at Home: This commences a great Council or Senate of Nobles, for the weighty Affairs of the Nation. The last Division is, of the Mass or Body of the People, whose part of Power is great and undisputable, whenever they can unite either Collectively or by Deputation to exert it. Now the three Forms of Government so generally known in the Schools, differ only by the Civil Administration being plac'd in the Hands of One or sometimes Two (as in *Sparta*) who were called *Kings*, or in a Senate, who were call'd the *Nobles*, or in the People Collective or Representative, who may be call'd the *Commons*: each of these had frequently the Executive Power in *Greece*, and sometimes in *Rome*; but the Power in the Last Resort was always meant by Legislators, to be held in Ballance among all three. And it will be an eternal Rule in Politicks among every free People, that there is a Ballance of Power to be carefully held by every State within it self, as well as among several States with each other.

The true meaning of a Ballance of Power, either without or within a State, *Ballance of* is best conceiv'd by considering, what the nature of a Ballance is. It supposes *Power* three things: First, the Part which is held, together with the Hand that holds it; *what.* and then the two Scales, with whatever is weigh'd therein. Now consider several States in a Neighborhood: In order to preserve Peace between these States, it is necessary, they should be form'd into a Ballance, whereof one or more are to be Directors, who are to divide the rest into equal Scales, and upon Occasions remove from one into the other, or else fall with their own Weight into the Lightest. So in a State within it self, the Ballance must be held by a third Hand; who is to deal the remaining Power with utmost exactness into the several Scales. Now it is not necessary, that the Power should be equally divided between these three; for the Ballance may be held by the weakest, who by his Address and Conduct, removing from either Scale, and adding of his own, may keep the Scales duly pois'd. Such was that of the two Kings of *Sparta*, the Consular Power in *Rome*; that of the Kings of *Media* before the Reign of *Cyrus*, as represented by *Xenophon*; and that of the several limited States in the *Gothick* Institutions.

When the Ballance is broke, whether by the Negligence, Folly or Weakness of *If broke, all* the Hand that held it, or by mighty Weights fallen into either Scale, the Power *Power will* will never continue long in equal Division between the two remaining Parties, but *run to one* (till the Ballance is fix'd anew) will run intirely into one. This gives the truest *side.* account of what is understood, in the most antient and approv'd *Greek* Authors, by the word *Tyranny*, which is not meant for the seizing of the uncontroll'd or absolute Power into the Hands of a single Person (as many superficial Men have grossly mistaken) but for the breaking of the Ballance by whatever Hand, and leaving the Power wholly in one Scale. For Tyranny and Usurpation in a *Tyranny;* State, are by no means confin'd to any Number, as might easily appear from *&c. in a* Examples enough; and because the Point is material, I shall cite a few to prove *State not* *confin'd to* *any num-* *ber.*

The *Romans* having sent to *Athens*, and the *Greek* Cities of *Italy*, for the Copies of the best Laws, chose ten Legislators to put them into form, and during the Exercise of their Office, suspended the Consular Power, leaving the Administration of Affairs in their Hands. These very Men, tho chosen for such a Work as the digesting a Body of Laws for the Government of a free State, did immediately usurp Arbitrary Power, ran into all the Forms of it, had their Guards and Spies, after the Practice of the Tyrants of those Ages, affected Kingly State, destroy'd the Nobles, and oppress'd the People; One of them proceeding so far as to endeavor to force a Lady of great Virtue: The very Crime which gave

Occasion to the Expulsion of the Regal Power but sixty years before, as this Attempt did to that of the *Decemviri*.

The *Ephori* in *Sparta* were at first only certain Persons deputed by the Kings to judg in Civil Matters, while they were employ'd in the Wars. These Men at several times usurp'd the absolute Authority, and were as cruel Tyrants as any in their Ages.

Thucid. lib. 8. Soon after the unfortunate Expedition into *Sicily*, the *Athenians* chose 400 Men for Administration of Affairs, who became a Body of Tyrants, and were call'd in the Language of those Ages, an Oligarchy, or Tyranny of the Few; under which hateful Denomination, they were soon after depos'd in great Rage by the People.

Xenoph. de reb. Grac. 1. When *Athens* was subdu'd by *Lysander*, he appointed thirty Men for the Administration of that City, who immediately fell into the rankest Tyranny: But this was not all; for conceiving their Power not founded on a Basis large enough, they admitted 3000 into a share of the Government; and thus fortify'd, became the cruellest Tyranny upon Record. They murder'd in cold Blood great Numbers of the best Men, without any Provocation, from the mere Lust of Cruelty, like *Nero* or *Caligula*. This was such a Number of Tyrants together as amounted to near a third Part of the whole City. For *Xenophon* tells us that the City contain'd about 10000 Houses, and allowing one Man to every House, who could have any share in the Government (the rest consisting of Women, Children and Servants) and making other obvious Abatements, these Tyrants, if they had been careful to adhere together, might have been a Majority even of the People Collective.

Memorab. lib. 3. In the time of the second Punick War, the Ballance of Power in *Carthage* was got on the side of the People, and that to a degree, that some Authors reckon the Government to have been then among them a *Dominatio Plebis*, or Tyranny of the Commons, which it seems they were at all times apt to fall into, and was at last among the Causes that ruin'd their State: and the frequent Murders of their Generals, which *Diodorus* tells us was grown to an establish'd Custom among them, may be another Instance that Tyranny is not confin'd to Numbers.

Lib. 15. I shall mention but one Example more among a great Number that might be produc'd; it is related by the Author last cited. The Orators of the People at *Argos* (whether you will stile them in Modern Phrase, *Great Speakers in the House*, or only in general, Representatives of the People Collective) stir'd up the Commons against the Nobles; of whom 1600 were murder'd at once, and at last the Orators themselves, because they left off their Accusations, or to speak intelligibly, because they withdrew their Impeachments; having, it seems, rais'd a Spirit they were not able to lay. And this last Circumstance, as Cases have lately stood, may perhaps be worth remarking.

From what hath been already advanc'd, several Conclusions may be drawn.

Mixt Government from Nature and Reason. First, That a mixt Government partaking of the known Forms receiv'd in the Schools, is by no means of *Gothick* Invention, but has place in Nature and Reason, seems very well to agree with the Sentiments of most Legislators, and to have been follow'd in most States, whether they have appear'd under the Name of Monarchies, Aristocracies, or Democracies. For, not to mention the several Republicks of this Composition in *Gaul* and *Germany*, describ'd by *Cæsar* and *Tacitus*; *Polybius* tells us, the best Government is that which consists of three Forms, *Regum*, *Optimatum*, & *Populi Imperio*. Which may be fairly translated, the Kings, Lords and Commons. Such was that of *Sparta* in its Primitive Institution by *Lycurgus*; who observing the Corruptions and Depravations to which every of these was subject, compounded his Scheme out of all; so that it was made up of *Reges*, *Seniores*, & *Populus*: Such also was the State of *Rome*, under its Consuls; and the Author tells us, that the *Romans* fell upon this Model purely by Chance (which I take to have been Nature and common Reason) but the *Spartans* by Thought and Design. And such at *Carthage* was the *summa Reipublica*, or Power in the last Resort; for they had their Kings call'd *Suffetes*, and a Senate which had the Power of Nobles, and the People had a share establish'd too.

Secondly, It will follow, That those Reasoners who employ so much of their Zeal, their Wit and Leisure for upholding the Ballance of Power in *Christendom*, at the same time that by their Practices they are endeavouring to destroy it at home, are not such mighty Patriots, or so much in the true Interests of their Country, as they would affect to be thought, but seem to be employ'd like a Man who pulls down with his Right Hand what he has been building with his Left.

Thirdly,

Thirdly, This makes appear the Error of those who conceive, that Power is safer lodg'd in many hands than in one. For if those many Hands be made up only of one of the three Divisions before mention'd, 'tis plain from those Examples already produc'd, and easy to be parallel'd in other Ages and Countries, that they are as capable of enslaving the Nation, and of acting all manner of Tyranny and Oppression as it is possible for a single Person to be; tho' we should suppose their Number to be not only of four or five hundred, but above three thousand.

Again, it is manifest from what has been said, that in order to preserve the Ballance in a mixt State, the Limits of Power deposited with each Party ought to be ascertain'd, and generally known. The defect of this is the Cause that introduces those struglings in a State about Prerogative and Liberty, about Encroachments of the Few upon the Privileges of the Many, and of the Many upon the Rights of the Few, which ever did and ever will conclude in a Tyranny; first, either of the Few, or the Many, but at last infallibly of a single Person. For, which ever of the three Divisions in a State is upon the Scramble for more Power than its own (as one or other of them generally is) unless due care be taken by the other two; upon every new Question that arises, they will be sure to decide in favour of themselves, talk much of inherent Right; they will nourish up a dormant Power, and reserve Privileges in *petto*, to exert upon Occasions, to serve Expedients, and to urge upon Necessities. They will make large Demands, and scanty Concessions, ever coming off considerable Gainers: Thus at length the Ballance is broke, and Tyranny let in, from which Door of the three it matters not.

Limits of Power in each Party should be known:

To pretend to a declarative Right upon any occasion whatsoever, is little less than to make use of the whole Power: That is, to declare an Opinion to be Law, which has always been contested, or perhaps never started at all before such an Incident brought it on the Stage. Not to consent to the enacting of such a Law, which has no View beside the general Good, unless another Law shall at the same time pass, with no other view but that of advancing the Power of one Party alone; what is this but to claim a positive Voice as well as a negative? To pretend that great Changes and Alienations of Property have created new and great Dependances, and consequently new Additions of Power, as some Reasoners have done, is a most dangerous Tenet: If Dominion must follow Property, let it follow in the same Pace: For Changes in Property thro' the Bulk of a Nation make slow Marches, and its due Power always attends it. To conclude, that whatever attempt is begun by an Assembly, ought to be pursu'd to the end, without regard to the greatest Incidents that may happen to alter the Case: To count it mean, and below the Dignity of a House to quit a Prosecution; To resolve upon a Conclusion before it is possible to be apprisd of the Premises; to act thus, I say, is to affect not only absolute Power, but Infallibility too. Yet such unaccountable Proceedings as these have popular Assemblies engag'd in, for want of fixing the due Limits of Power and Privilege.

A Declarative Right in one Party is little less than the whole Power.

Great Changes may indeed be made in a Government, yet the Form continue, and the Ballance be held; but, large Intervals of Time must pass between every such Innovation, enough to melt down and make it of a piece with the Constitution. Such we are told were the Proceedings of *Solon*, when he model'd anew the *Athenian* Commonwealth: And what Convulsions in our own as well as other States have been bred by a neglect of this Rule, is fresh and notorious enough: 'Tis too soon in all Conscience to repeat this Error again.

Changes in Governm. may be and the Ballance preserv'd.

Having shewn that there is a natural Ballance of Power in all free States, and how it has been divided sometimes by the People themselves, as in *Rome*, at others by the Institutions of Legislators, as in the several States of *Greece* and *Sicily*: The next thing is to examine what Methods have been taken to break or overthrow this Ballance; which every of the three Parties have continually endeavour'd, as Opportunities have serv'd; which might appear from the Stories of most Ages and Countries. For, Absolute Power in a particular State, is of the same nature with Universal Monarchy in several States adjoining to each other. So endless and exorbitant are the Desires of Men, whether consider'd in their Persons or their States, that they will grasp at all, and can form no Scheme of perfect Happiness with less. Ever since Men have been united into Governments, the Hopes and Endeavours after Universal Monarchy have been bandy'd among them, from the Reign of *Ninus* to this of the most Christian King; in which pursuits Commonwealths have had their share as well as Monarchs: So the *Athenians*, the *Spartans*, the *Thebans* and the *Achaians*, did at several

This Ballance of Power how sometimes broke.

several times aim at the Universal Monarchy of *Greece*; So the Commonwealths of *Carthage* and *Rome* affected the Universal Monarchy of the then known World. In like manner has Absolute Power been pursu'd by the several Parties of each particular State, wherein single Persons have met with most Success, tho the Endeavours of the Few and the Many have been frequent enough; but, being neither so uniform in their Designs, nor so direct in their Views, they neither could manage nor maintain the Power they had got, but were ever deceiv'd by the Popularity and Ambition of some single Person. So that it will be always a wrong step in Policy, for the Nobles or Commons to carry their Endeavours after Power so far, as to overthrow the Ballance: And it would be enough to damp their warmth in such Pursuits, if they could once reflect, that in such a Course they will be sure to run upon the very Rock they meant to avoid, which I suppose they would have us think is the Tyranny of a single Person.

Many Examples might be produc'd of the Endeavours from each of these three Rivals, after Absolute Power; but I shall sute my Discourse to the Time I am writing it, and relate only such Dissensions between the Nobles and Commons, with the Consequences of them in *Greece* and *Rome*, wherein the latter were the Aggressors.

I shall begin with *Greece*, where my Observations shall be confin'd to *Athens*, tho several Instances might be brought from other States thereof.

C H A P. II.

Of the Dissensions in Athens between the Few and the Many.

Theseus
the first
Founder of
the Athenian popular State.

THESEUS is the first who is recorded with any appearance of Truth to have brought the *Grecians* from a barbarous manner of Life among scatter'd Villages into Cities, and to have establish'd the Popular State in *Athens*, assigning to himself the Guardianship of the Laws, and chief Command in War. He was forc'd after some time to leave the *Athenians* to their own Measures, upon account of their seditious Temper, which ever continu'd with them till the final Dissolution of their Government by the *Romans*. It seems, the Country about *Attica* was the most barren of any in *Greece*; thro which means it happen'd that the Natives were never expel'd by the Fury of Invaders (who thought it not worth a Conquest) but continu'd always *Aborigines*; and therefore retain'd thro all Revolutions a Tincture of that turbulent Spirit wherewith their Government began. This Institution of *Theseus* appears to have been rather a sort of mixt Monarchy than a popular State, and for ought we know, might continue so during that Series of Kings till the Death of *Codrus*. From this last Prince, *Solon* was said to be descended; who finding the People engag'd in two violent Factions, of the Poor and the Rich, and in great Confusions thereupon; refusing the Monarchy which was offer'd him, chose rather to cast the Government after another Model, wherein he made due Provision for settling the Ballance of Power, chusing a Senate of 400, and disposing the Magistracies and Offices according to Mens Estates; leaving to the Multitude their Votes in electing, and the Power of judging certain Processes by Appeal. This Council of 400 was chosen, 100 out of each Tribe, and seems to have been a Body Representative of the People; tho the People Collective reserv'd a Share of Power to themselves. It is a Point of History perplex'd enough; but thus much is certain, that the Ballance of Power was provided for; else *Pyſistratus* (call'd by Authors the Tyrant of *Athens*) could never have govern'd so peaceably as he did, * without changing any of *Solon's* Laws. These several Powers, together with that of the *Archon*, or Chief Magistrate, made up the Form of Government in *Athens*, at what time it began to appear upon the Scene of Action and Story.

*Herodot. lib. I.

Solon afterwards modelled 'em into another Government.

The first great Man bred up under this Institution was *Miltiades*, who liv'd about Ninety Years after *Solon*, and is reckon'd to have been the first great Captain not only of *Athens*, but of all *Greece*. From the time of *Miltiades* to that of *Phocion*, who is look'd upon as the last famous General of *Athens*, are about 130 years; after which they were subdu'd and insulted by *Alexander's* Captains, and continu'd under several Revolutions a small truckling State of no Name or Reputation, till they fell with the rest of *Greece* under the Power of the *Romans*.

During

During this Period from *Miltiades* to *Phocion*, I shall trace the Conduct of the *Athenians*, with relation to their Diffensions between the People and some of their Generals; who at that time by their Power and Credit in the Army, in a Warlike Commonwealth, and often supported by each other, were, with the Magistrates and other Civil Officers, a sort of Counterpoise to the Power of the People, who ince the Death of *Solon* had already made great Encroachments. What these Diffensions were, how founded, and what the Consequences of them, I shall very briefly and impartially relate.

I must here premise, that the Nobles in *Athens* being not at this time a Corporate Assembly that I can gather; therefore the Resentments of the Commons were usually turn'd against particular Persons, and by way of Articles or Impeachment. Whereas, the Commons in *Rome*, and some other States (as will appear in proper place) tho they follow'd this Method upon Occasion, yet generally pursu'd the Enlargement of their Power, by more set Quarrels of one intire Assembly against another. However, the Custom of particular Impeachments being not limited to former Ages, any more than that of general Struggles and Diffensions between fix'd Assemblies of Nobles and Commons; and the Ruin of *Greece* having been owing to the former, as that of *Rome* was to the latter; I shall treat on both expressly; that those States who are concern'd in either (if at least there be any such now in the World) may by observing the Means and the Issues of former Diffensions, learn whether the Causes are alike in theirs; and if they find them to be so, may consider whether they ought not justly to apprehend the same Effects.

To speak of every particular Person impeach'd by the Commons of *Athens*, within the compass design'd, would introduce the History of almost every great Man they had among them. I shall therefore take notice only of six, who living in that Period of time when *Athens* was at the height of its Glory (as indeed it could be no otherwise while such Hands were at the Helm) tho impeach'd for high Crimes and Misdemeanors, such as Bribery, Arbitrary Proceedings, misapplying or imbezling publick Funds, ill Conduct at Sea, and the like, were honour'd and lamented by their Country, as the Preservers of it, and have had the Veneration of all Ages since paid justly to their Memories.

Miltiades was one of the *Athenian* Generals against the *Persian* Power, and the famous Victory at *Marathon* was chiefly owing to his Valour and Conduct. Being some time after to reduce the island *Paros*, he mistook a great Fire at distance for the *Persian* Fleet, and being no ways a Match for them, set Sail for *Athens*; at his Arrival he was impeach'd by the Commons for Treachery, tho not able to appear by reason of his Wounds, fin'd 30000 Crowns, and died in Prison. Tho the Consequences of this Proceeding upon the Affairs of *Athens*, were no otherwise than by the untimely Loss of so great and good a Man, yet I could not forbear relating it.

Their next great Man was *Aristides*: Beside the mighty Service he had done his Country in the Wars, he was a Person of the strictest Justice, and best acquainted with the Laws as well as Forms of their Government, so that he was in a manner the Chancellor of *Athens*. This Man upon a slight and false Accusation of favouring Arbitrary Power, was banish'd by *Ostracism*; which render'd into Modern *English*, would signify that they voted he should be remov'd from their Presence and Councils for ever. But however, they had the Wit to recall him, and to that Action ow'd the Preservation of their State by his future Services. For it must be still confess'd in behalf of the *Athenian* People, that they never conceiv'd themselves perfectly infallible, nor arriv'd to the Heights of Modern Assemblies, to make Obstinacy confirm what sudden Heat and Temerity began. They thought it not below the Dignity of an Assembly to endeavour at correcting an ill Step; at least to repent, tho it often fell out too late.

Themistocles was at first a Commoner himself. It was he that rais'd the *Athenians* to their Greatness at Sea, which he thought to be the true and constant Interest of that Commonwealth; and the famous Naval Victory over the *Persians* at *Salamis* was owing to his Conduct. It seems the People observ'd somewhat of Haughtiness in his Temper and Behaviour, and therefore banish'd him for five Years; but finding some slight matter of Accusation against him, they sent to seize his Person, and he hardly escap'd to the *Persian* Court: from whence if the Love of his Country had not surmounted its base Ingratitude to him, he had many Invitations to return at the Head of the *Persian* Fleet, and take a terrible Revenge; but he rather chose a voluntary Death.

The

And Pericles for misapplying the Revenues.

The People of *Athens* impeach'd *Pericles* for misapplying the publick Revenues to his own private Use. He had been a Person of great Deservings from the Republick, was an admirable Speaker, and very Popular, his Accounts were confus'd, and he could not give them up; therefore merely to divert that Difficulty, and the Consequences of it, he was forc'd to ingage his Country in the *Peloponnesian War*, the longest that ever was known in *Greece*, and which ended in the utter Ruin of *Athens*.

And Alcibiades for defacing the Image of Mercury.

The same People having resolv'd to subdue *Sicily*, sent a mighty Fleet under the Command of *Nicias*, *Lamachus*, and *Alcibiades*; the two former, Persons of Age and Experience; the last a young Man of noble Birth, excellent Education, and a plentiful Fortune. A little before the Fleet set Sail, it seems, one Night, the Stone Images of *Mercury* plac'd in several parts of the City were all par'd in the Face: This Action the *Athenians* interpreted for a Design of destroying the Popular State; and *Alcibiades* having been formerly noted for the like Frolicks and Excursions, was immediately accus'd of this. He, whether conscious of his Innocence, or assur'd of the Secrecy, offer'd to come to his Trial before he went to his Command; this the *Athenians* refus'd: but as soon as he was got to *Sicily*, they sent for him back, designing to take the Advantage, and prosecute him in the Absence of his Friends, and of the Army, where he was very Popular. It seems, he understood the Resentments of a Popular Assembly too well to trust them; and therefore instead of returning, escap'd to *Sparta*; where his desires of Revenge prevailing over his Love to his Country, he became its greatest Enemy. Mean while, the *Athenians* before *Sicily*, by the Death of one Commander, and the Superstition, Weakness, and perfect ill Conduct of the other, were utterly destroy'd, the whole Fleet taken, a miserable Slaughter made of the Army, whereof hardly one ever return'd. Some time after this, *Alcibiades* was recall'd upon his Conditions, by the Necessities of the People, and made chief Commander at Sea and Land; but his Lieutenant engaging against his positive Orders, and being beaten by *Lyfander*, *Alcibiades* was again disgrac'd and banish'd. However, the *Athenians* having lost all Strength and Heart since their Misfortune at *Sicily*, and now depriv'd of the only Person that was able to recover their Losses, repent of their Rashness, and endeavour in vain for his Restoration; the *Persian* Lieutenant, to whose Protection he fled, making him a Sacrifice to the Resentments of *Lyfander* the General of the *Lacedemonians*, who now reduces all the Dominions of the *Athenians*, takes the City, razes their Walls, ruins their Works, and changes the Form of their Government; which tho again restor'd for some time by *Thrasybulus* (as their Walls were rebuilt by *Conon*) yet here we must date the Fall of the *Athenian* Greatness; the Dominion and chief Power in *Greece*, from that Period, to the time of *Alexander* the Great, which was about fifty years, being divided between the *Spartans* and *Thebans*. Tho *Philip*, *Alexander's* Father (the most Christian King of that Age) had indeed some time before begun to break in upon the Republicks of *Greece*, by Conquest or Bribery; particularly dealing large Money among some Popular Orators, by which he brought many of them (as the term of Art was then) to *Philippize*.

And Phocion who preserv'd 'em from Alexander, &c.

In the time of *Alexander* and his Captains, the *Athenians* were offer'd an Opportunity of preserving their Liberty, and being restor'd to their former State; but the wise Turn they thought to give the Matter, was by an Impeachment and Sacrifice of the Author, to hinder the Success. For, after the Destruction of *Thebes* by *Alexander*; this Prince designing the Conquest of *Athens*, was prevented by *Phocion* the *Athenian* General, then Embassador from that State; who by his great Wisdom and Skill at Negotiation, diverted *Alexander* from his Design, and restor'd the *Athenians* to his Favour. The very same Success he had with *Antipater* after *Alexander's* Death, at which time the Government was new regulated by *Solon's* Laws: But *Polyperchon*, in hatred to *Phocion*, having by Order of the young King (whose Governor he was) restor'd those whom *Phocion* had banish'd; the Plot succeeded, *Phocion* was accus'd by Popular Orators, and put to Death.

Athens at length destroy'd by the Humours of the People.

Thus was the most powerful Commonwealth of all *Greece*, after great Degeneracies from the Institution of *Solon*, utterly destroy'd by that rash, jealous, and inconstant Humour of the People, which was never satisfy'd to see a General either Victorious or Unfortunate; such ill Judges, as well as Rewarders, are Popular Assemblies of those who best deserve from them.

Now the Circumstance which makes these Examples of more Importance, is, that this very Power of the People of *Athens*, claim'd so confidently for an Inherent Right,

ight, and insisted on as the Undoubted Privilege of an Athenian born, was the rankest Which proceeded by Degeneracy from Solon's Laws. encroachment imaginable, and the grossest Degeneracy from the Form that Solon left them. In short, their Government was grown into a *Dominatio Plebis*, or *Tyranny of the People*, who by degrees had broke and overthrew the Ballance which that Legislator had very well fix'd and provided for.

This appears not only from what has been already said of that Lawgiver, but more manifestly from a Passage in *Diodorus*; who tells us, That *Antipater*, one of *Lib. 18.* *Alexander's Captains*, abrogated the Popular Government (in Athens) and restor'd the Power of Suffrages and Magistracy, to such only as were worth Two thousand Drachmas; by which means (says he) that Republick came to be [again] administred by the Laws of Solon. By this Quotation 'tis manifest, that great Author look'd upon Solon's Institution and a Popular Government, to be two different Things. And as for his Restoration by *Antipater*, it had neither Consequence nor Continuance worth observing.

I might easily produce many more Examples, but these are sufficient; and it may be worth the Reader's time to reflect a little upon the Merits of the Cause, as well as of the Men who had been thus dealt with by their Country. I shall direct him no further than by repeating, that *Aristides* was the most renown'd by the People themselves for his exact Justice and Knowledge in the Law; that *Themistocles* was a most fortunate Admiral, and had got a mighty Victory over the great King of *Persia's Fleet*; that *Pericles* was an able Minister of State, an excellent Orator, and a Man of Letters: And lastly, that *Phocion*, besides the Success of his Arms, was also renown'd for his Negotiations abroad, having in an Embassy brought the greatest Monarch of the World at that time, to the Terms of an honourable Peace, by which his Country was preserv'd.

I shall conclude my Remarks upon Athens, with the Character given us of that People by *Polybius*. About this time (says he) the Athenians were govern'd by two Men, quite sunk in their Affairs, had little or no Commerce with the rest of Greece, and were become great Reverencers of crown'd Heads. Polybius's Character of the Athenians, Lib. 5.

For from the time of *Alexander's Captains*, till Greece was subdu'd by the Romans (to the latter part of which this Description of *Polybius* falls in) Athens never produc'd one famous Man either for Counsels or Arms, or hardly for Learning. And indeed it was a dark insipid Period thro all Greece: for except the *Achaian League* under *Aratus* and *Philopæmen*, and the Endeavours of *Agis* and *Cleomenes* to restore the State of *Sparta*, so frequently harass'd by Tyrannies occasion'd by the Popular Practices of the *Ephori*, there was very little worth recording. All which Consequences may perhaps be justly imputed to this Degeneracy of Athens. Polyb.

C H A P. III.

Of the Diffension between the Patricians and Plebeians in Rome, with the Consequences they had upon that State.

HAVING in the foregoing Chapter confin'd my self to the Proceedings of the Commons only by the Method of Impeachments against particular Persons, with the fatal Effects they had upon the State of Athens; I shall now treat of the Diffensions at Rome between the People and the Collective Body of the Patricians or Nobles. It is a large Subject, but I shall draw it into as narrow a Compass as I can.

As Greece, from the most antient Accounts we have of it, was divided into several Kingdoms, so was most part of Italy into several petty Commonwealths. Dionys. Halicarn. And as those Kings in Greece are said to have been depos'd by their People upon the score of their Arbitrary Proceedings; so on the contrary, the Commonwealths of Italy were all swallow'd up, and concluded in the Tyranny of the Roman Emperors. Commonwealths of Italy swallow'd up by the Roman Emperors. However, the Differences between those Grecian Monarchies, and Italian Republicks, were not very great: For, by the Accounts *Homer* gives us of those Grecian Princes who came to the Siege of Troy, as well as by several Passages in the *Odyssey*; it is manifest, that the Power of these Princes in their several States, was much of a size with that of the Kings in Sparta, the Archon at Athens, the Suffetes at Carthage, and the Consuls in Rome. So that a limited and divided power

Rome at
first a
limited
or divided
Power.

seems to have been the most antient and inherent Principle of both those People in Matters of Government. And such did that of *Rome* continue from the time of *Romulus*, tho with some Interruptions, to *Julius Cæsar*; when it ended in the Tyranny of a single Person. During which Period (not many Years longer than from the *Norman Conquest* to our Age) the Commons were growing by Degrees into Power and Property, gaining Ground upon the *Patricians* as it were Inch by Inch, till at last they quite overturn'd the Ballance, leaving all Doors open to the Practices of popular and ambitious Men, who destroy'd the wisest Republick, and inflav'd the noblest People that ever entred upon the Stage. By what Steps and Degrees this was brought to pass, shall be the Subject of my present Enquiry.

While
govern'd by
Kings, an
Elective
Monarchy.

While *Rome* was govern'd by Kings, the Monarchy was altogether Elective. *Romulus* himself, when he had built the City, was declar'd King by the Universal Consent of the People, and by Augury, which was then understood for Divine Appointment. Among other Divisions he made of the People, one was into *Patricians* and *Plebeians*: The former were like the Barons of *England* sometime after the Conquest; and the latter are also describ'd to be almost exactly what our Commons were then. For they were Dependants upon the *Patricians*, whom they chose for their Patrons and Protectors, to answer for their Appearance, and defend them in any Process: They also supply'd their Patrons with Money in Exchange for their Protection. This Custom of *Patronage*, it seems, was very antient, and long practis'd among the *Greeks*.

The Senate
of Rome
first chose
out of the
Patricians.

But of these *Patricians*, *Romulus* chose an hundred to be a Senate or Grand Council, for Advice and Assistance to him in the Administration. The Senate therefore originally consisted all of Nobles, and were of themselves a Standing Council, the People being only convok'd upon such Occasions as by this Institution of *Romulus* fell into their Cognizance: Those were, to constitute Magistrates, to give their Votes for making Laws, and to advise upon entering on a War. But the two former of these popular Privileges were to be confirm'd by Authority of the Senate; and the last was only permitted at the King's Pleasure. This was the utmost Extent of Power pretended by the Commons in the time of *Romulus*; all the rest being divided between the King and the Senate, the whole agreeing very nearly with the Constitution of *England* for some Centuries after the Conquest.

Senate of
themselves
chose a Suc-
cessor to Ro-
mulus.

After a Year's *interregnum* from the Death of *Romulus*, the Senate of their own Authority chose a Successor, and a Stranger, merely upon the Fame of his Virtue, without asking the Consent of the Commons; which Custom they likewise observ'd in the two following Kings. But in the Election of *Tarquinius Priscus* the fifth King, we first hear mention'd that it was done, *Populi imperata venia*, which indeed was but very reasonable for a free People to expect; tho I cannot remember in my little Reading, by what Incidents they were brought to advance so great a Step. However it were, this Prince, in Gratitude to the People by whose Consent he was chosen, elected a hundred Senators out of the Commons, whose Number with former Additions was now amounted to three hundred.

Whence the
People's
Power first
sprang.

The People having once discover'd their own Strength, did soon take Occasion to exert it, and that by very great Degrees. For, at this King's Death (who was murder'd by the Sons of a former) being at a loss for a Successor, *Servius Tullius*, a Stranger, and of mean Extraction, was chosen Protector of the Kingdom, by the People, without the Consent of the Senate; at which the Nobles' being displeas'd, he wholly apply'd himself to gratify the Commons, and was by them declar'd and confirm'd no longer Protector but King.

This Prince first introduc'd the Custom of giving Freedom to Servants, so as to become Citizens of equal Privileges with the rest, which very much contributed to increase the Power of the People.

How the
People
wrested
the Power
out of the
Nobles
Hands.

Thus in a very few years the Commons proceeded so far as to wrest even the Power of chusing a King, intirely out of the Hands of the Nobles; which was so great a Leap, and caus'd such a Convulsion and Struggle in the State, that the Constitution could not bear it; but Civil Dissensions arose, which immediately were follow'd by the Tyranny of a single Person, as this was by the utter Subversion of the Regal Government, and by a Settlement upon a new Foundation. For the Nobles, spighted at this Indignity done them by the Commons, firmly united in a Body, depos'd this Prince by plain Force, and chose *Tarquin the Proud*, who running into all the Forms and Methods of Tyranny, after a cruel Reign was expell'd by an Universal Concurrence of Nobles and People, whom the Miseries of his Reign had reconcil'd.

When

When the Consular Government began, the Ballance of Power between the Nobles and Plebeians was fix'd anew. The two first Consuls were nominated by the Nobles, and confirm'd by the Commons; and a Law was enacted that no Person should bear any Magistracy in Rome, *injussu Populi*; that is, without Consent of the Commons.

In such turbulent Times as these, many of the poorer Citizens had contracted numerous Debts, either to the richer sort among themselves, or to Senators and other Nobles; and the Case of Debtors in Rome for the first four * Centuries, was, after the set time for Payment, no Choice but either to pay or be the Creditor's Slave. In this Juncture the Commons quit the City in Mutiny and Discontent, and will not return but upon condition to be acquitted of all their Debts; and moreover, that certain Magistrates be chosen yearly, whose business it shall be to defend the Commons from Injuries. These are called Tribunes of the People, their Persons are held Sacred and Inviolable, and the People bind themselves by Oath, never to abrogate the Office. By these Tribunes, in process of time, the People were grossly impos'd on to serve the Turns and Occasions of revengeful or ambitious Men, and to commit such Exorbitances as could not end, but in the Dissolution of the Government.

These Tribunes a Year or two after their Institution, kindled great Dissensions between the Nobles and the Commons, on the account of *Coriolanus* a Nobleman, whom the latter had impeached, and the Consequences of whose Impeachment (if I had not confined my self to *Grecian* Examples, for that part of my Subject) had like to have been so fatal to their State. And from this time the Tribunes began a Custom of accusing to the People whatever Noble they pleas'd, several of whom were Banish'd or put to Death in every Age.

At this time the Romans were very much engaged in Wars with their Neighbouring States; but on the least Intervals of Peace, the Quarrels between the Nobles and the Plebeians would revive; and one of the most frequent Subjects of their Differences was the Conquered Lands, which the Commons would fain have divided among the Publick, but the Senate could not be brought to give their Consent. For several of the wisest among the Nobles, began to apprehend the growing Power of the People; and therefore knowing what an Accession thereof would accrue to them by such an Addition of Property, used all means to prevent it: For this the *Appian* Family was most noted, and thereupon most hated by the Commons. One of them having made a Speech against this Division of Lands, was impeach'd by the People of High Treason, and a Day appointed for his Trial; but disdaining to make his Defence, chose rather the usual Roman Remedy of killing himself: After whose Death the Commons prevailed, and the Lands were divided among them.

This Point was no sooner gain'd, but new Dissensions began: For the Plebeians would fain have a Law enacted, to lay all Mens Rights and Privileges upon the same Level; and to enlarge the Power of every Magistrate within his own Jurisdiction, as much as that of the Consuls. The Tribunes also obtain to have their Number doubled, which before was Five; and the Author tells us, that their Insolence and Power increased with their Number, and the Seditions were also doubled with it.

By the beginning of the fourth Century from the Building of Rome, the Tribunes proceeded so far in the name of the Commons, as to accuse and fine the Consuls themselves, who represented the Kingly Power. And the Senate observing, how in all Contentions they were forc'd to yield to the Tribunes and People, thought it their wisest course to give way also to Time: Therefore a Decree was made to send Embassadors to Athens, and to the other *Grecian* Commonwealths planted in that part of Italy, call'd *Græcia Major*, to make a Collection of the best Laws; out of which and some of their own, a new compleat Body of Law was formed, afterwards known by the name of the Laws of the twelve Tables.

To digest these Laws into Order, ten Men were chosen, and the Administration of all Affairs left in their Hands; what use they made of it has been already shewn. It was certainly a great Revolution produc'd intirely by the many unjust Incroachments of the People; and might have wholly changed the Fate of Rome, if the Folly and Vice of those who were chiefly concern'd, could have suffer'd it to take Root.

Dionys. Halicar.

Tribunes accuse and fine the Consuls themselves

The Original of the Laws of the twelve Tables.

A few Years after, the Commons made further Advances on the Power of the Nobles; demanding among the rest, that the Consulship, which hitherto had only been disposed to the former, should now lie in common to the Pretensions of any *Roman* whatsoever. This, tho it failed at present, yet afterward obtained, and was a mighty step to the Ruin of the Commonwealth.

What I have hitherto said of *Rome*, has been chiefly collected out of that exact and diligent Writer *Dionysius Halicarnassensis*; whose History (thro the injury of Time) reaches no farther than to the beginning of the fourth Century after the Building of *Rome*. The rest I shall supply from other Authors; tho I do not think it necessary to deduce this matter any further, so very particularly as I have hitherto done.

When the
Ballance
of Power
was equal.
Fragm.
lib. 6.

To point at what Time the Ballance of Power was most equally held between the Lords and Commons in *Rome*, would perhaps admit a Controversy. *Polybius* tells us, that in the second *Punick* War, the *Carthaginians* were declining, because the Ballance was got too much on the side of the People; whereas the *Romans* were in their greatest Vigour, by the Power remaining in the Senate; yet this was between two and three Hundred Years after the Period *Dionysius* ends with, in which time the Commons had made several further Acquisitions. This however must be granted, that (till about the middle of the fourth Century) when the Senate appeared resolute at any time upon exerting their Authority, and adhered closely together, they did often carry their point. Besides, it is observed by the best Authors, that in all the Quarrels and Tumults at *Rome*, from the expulsion of the Kings; tho the People frequently proceeded to rude contumelious Language, and sometimes so far as to pull and hale one another about the *Forum*, yet no Blood was ever drawn in any Popular Commotions till the time of the *Gracchi*. However, I am of Opinion, that the Ballance had begun many Years before to lean to the Popular side; but this default was corrected, partly by the Principle just mention'd, of never drawing Blood in a Tumult; partly by the Warlike Genius of the People, which in those Ages was almost perpetually employed; and partly by their great Commanders, who by the Credit they had in their Armies, fell into the Scales as a further counterpoise to the growing Power of the People. Besides, *Polybius*, who liv'd in the time of *Scipio Africanus* the younger, had the same apprehensions of the continual Incroachments made by the Commons; and being a Person of as great Abilities, and as much Sagacity as any of his Age, from observing the Corruptions which he says had already entred into the *Roman* Constitution, did very nearly foretel what would be the Issue of them. His Words are very remarkable, and with little addition may be rendred to this purpose. *That those Abuses and Corruptions which in time destroy a Government, are sown along with the very Seeds of it, and both grow up together. And that as Rust eats away Iron, and Worms devour Wood, and both are a sort of Plagues born and bred along with the substance they destroy; so with every Form and Scheme of Government that Man can invent, some Vice or Corruption creeps in with the very Institution, which grows up along with, and at last destroys it.* The same Author in another place, ventures so far as to guess at the particular Fate which would attend the *Roman* Government. He says, its Ruin would arise from popular Tumults, which would introduce a *Dominatio Plebis*, or Tyranny of the People; wherein it is certain he had reason, and therefore might have adventur'd to pursue his Conjectures so far, as to the Consequences of a popular Tyranny, which, as perpetual Experience teaches, never fails to be follow'd by the Arbitrary Government of a single Person.

Lib. 5.

Fragm.
lib. 6.

About the middle of the fourth Century from the Building of *Rome*, it was declared lawful for Nobles and Plebeians to intermarry; which Custom among many other States, has proved the most effectual means to ruin the former, and raise the latter.

Employ-
ments in
the State
made free
for the
People.

And now the greatest Employments in the State were one after another, by Laws forcibly enacted by the Commons, made free to the People; the Consulship it self, the Office of Censor, that of the Questors, or Commissioners of the Treasury, the Office of Prator, or Chief Justice, the Priesthood, and even that of Dictator: The Senate after long Opposition, yielding merely for present quiet to the continual urging Clamors of the Commons, and of the Tribunes their Advocates. A Law was likewise enacted, that the *Plebiscita*, or a Vote of the House of Commons, should be of universal Obligation: Nay in time the method of enacting Laws was wholly inverted; for whereas the Senate used of old to con-

firm

firm the *Plebiscita*, the People did at last, as they pleas'd; confirm or disannul the *Senatusconsulto*. Dionys. Hal. l. 2.

Appius Claudius brought in a Custom of admitting to the Senate the Sons of Freed Men, or of such who had once been Slaves; by which, and succeeding alterations of the like nature, that great Council degenerated into a most corrupt and factious Body of Men, divided against it self; and its Authority became despis'd. Sons of Freedom brought into the Senate.

The Century and half following, to the end of the third *Punick War*, by the intire destruction of *Carthage*, was a very busy Period at *Rome*: The Intervals between every War being so short, that the Tribunes and People had hardly Leisure or Breath to ingage in Domestick Dissensions; however, the little time they could spare, was generally employ'd the same way. So *Terentius Leo*, a Tribune, is recorded to have basely prostituted the Privileges of a *Roman Citizen*, in perfect spite to the Nobles. So the great *African Scipio* and his Brother, after all their mighty Services, were impeach'd by an ungrateful *Commons*.

However, the Warlike Genius of the People, and continual Employment they had for it, serv'd to divert this Humour from running into a Head, till the Age of the *Gracchi*.

These Persons entering the Scene in the time of a full Peace, fell violently upon the advancing the Power of the People, by reducing into practice all those Incroachments which they had been so many Years a gaining. There were at that time certain Conquered Lands to be divided, beside a great private Estate left by a King. These the Tribunes, by procurement of the elder *Gracchus*, declar'd by their Legislative Authority, were not to be dispos'd of by the Nobles, but by the Commons only. The younger Brother pursu'd the same design; and besides, obtain'd a Law, that all *Italians* should Vote at Elections, as well as the Citizens of *Rome*: In short, the whole Endeavours of them both perpetually turn'd upon retrenching the Nobles Authority in all things, but especially in the matter of Judicature. And tho they both lost their Lives in those pursuits, yet they trac'd out such ways as were afterwards follow'd by *Marius*, *Sylla*, *Pompey*, and *Cæsar*, to the Ruin of the *Roman Freedom* and Greatness. The Gracchi brought the Peoples Incroachments into Practice.

For, in the time of *Marius Saturninus*, a Tribune procur'd a Law that the Senate should be bound by Oath to agree to whatever the People would enact: And *Marius* himself, while he was in that Office of Tribune, is recorded to have with great Industry us'd all Endeavours for depressing the Nobles, and raising the People; particularly for cramping the former in their Power of Judicature, which was their most antient and inherent Right. And laid the Foundation of the Ruin of the Roman Freedom. M. Saturninus endeavour'd the Suppression of the Nobility.

Sylla, by the same measures, became perfect Tyrant of *Rome*; he added three Hundred Commons to the Senate, which perplexed the Power of the whole Order, and rendred it ineffectual: then flinging off the Mask, he abolish'd the Office of Tribune, as being only a Scaffold to Tyranny, whereof he had no further use. Sylla a perfect Tyrant at Rome.

As to *Pompey* and *Cæsar*, *Plutarch* tells us, that their Union for pulling down the Nobles (by their Credit with the People) was the Cause of the Civil War, which ended in the Tyranny of the latter; both of them in their Consulships having us'd all endeavours and occasions for sinking the Authority of the *Patricians*, and giving way to all Encroachments of the People, wherein they expected best to find their own Accounts. Depression of the Nobles, the Cause of the Civil War between Pompey and Cæsar.

From this deduction of popular Incroachments in *Rome*, the Reader will easily judg how much the Ballance was fallen upon that side. Indeed by this time the very Foundation was removed, and it was a moral impossibility that the Republick could subsist any longer. For the Commons having usurp'd the Offices of the State, and trampil'd on the Senate, there was no Government left but a *Dominatio Plebis*: Let us therefore examine how they proceeded in this Conjunction.

I think it is an universal Truth, that the People are much more dextrous at pulling down and setting up, than at preserving what is fixt; and they are not so fond of seizing more than their own, than they are of delivering it up again to the worst Bidder, with their own into the Bargain. For altho in their corrupt Notions of Divine Worship, they are apt to multiply their Gods; yet their earthly Devotion is seldom paid to above one Idol at a time, of their own Creation; whose Oar they pull with less murmuring, and much more skill, than when they share the Lading, or even hold the Helm. People better at depressing than fixing Government.

The several Provinces of the *Roman Empire* were now govern'd by the great Men of their State; those upon the Frontiers with powerful Armies, either for Conquest or Defence. Governors of Provinces joyn'd with the People.

quest or Defence. These Governors, upon any designs of Revenge or Ambition, were sure to meet with a divided Power at Home, and therefore bent all their Thoughts and Applications to close in with the People, who were now by many degrees the stronger Party. Two of the greatest Spirits that Rome ever produc'd, happen'd to live at the same time, and to be engag'd in the same Pursuit; and this at a juncture the most dangerous for such a Contest. These were *Pompey* and *Cæsar*, two Stars of such a Magnitude, that their Conjunction was as likely to be Fatal as their Opposition.

Pompey made Captain General of all the Roman Forces by the People.

The Tribunes and People having now subdu'd all Competitors, began the last game of a prevalent Populace, which is that of chusing themselves a Master; while the Nobles foresaw, and us'd all endeavours left them to prevent it. The People at first made *Pompey* their Admiral with full power over all the *Mediterranean*; soon after Captain General of all the *Roman* Forces, and Governour of *Asia*.

Pompey on the other side restor'd the Office of Tribune, which *Sylla* had put down; and in his Consulship procur'd a Law for examining into the Miscarriages of Men in Office or Command for twenty Years past. Many other Examples of *Pompey's* Popularity are left us on Record, who was a perfect Favorite of the People, and design'd to be more; but his pretensions grew stale, for want of a timely opportunity of introducing them upon the Stage.

Cæsar got before him in the Peoples Affections. De bello civili, l. 1.

For *Cæsar*, with his Legions in *Gaul*, was a perpetual Check upon his Designs; and in the Arts of pleasing the People, did soon after get many Lengths beyond him. For he tells us himself that the Senate by a bold Effort having made some severe Decrees against his Proceedings, and against the Tribunes; these all left the City, and went over to his Party, and consequently along with them, the Affections and Interests of the People: which is further manifest from the Accounts he gives us of the Citizens in several Towns, mutining against their Commanders, and delivering both to his Devotion. Besides, *Cæsar's* publick and avowed Pretensions for beginning the Civil War, were to restore the Tribunes and the People oppress'd (as he pretended) by the Nobles.

Pompey forc'd to join with the Senate against the People.

This forced *Pompey*, against his Inclinations, upon the Necessity of changing sides, for fear of being forsaken by both; and of closing in with the Senate and chief Magistrates, by whom he was chosen General against *Cæsar*.

Civil Dissensions promote the Ambition of private Men.

Thus at length, the Senate (at least the Primitive part of them, the Nobles) under *Pompey*, and the Commons under *Cæsar*, came to a final Decision of the long Quarrels between them. For, I think, the Ambition of private Men did by no means begin or occasion this War; tho' Civil Dissensions never fail of introducing and spiriting the Ambition of private Men, who thus become indeed the great Instruments for deciding such Quarrels, and at last are sure to seize on the Prize. But no Man that sees a Flock of Vultures hovering over two Armies just ready to engage, can justly charge the Blood drawn in the Battel to them, tho' the Carcases fall to their share. For, while the Ballance of Power is equally held, the Ambition of private Men, whether Orators or great Commanders, gives neither Danger nor Fear, nor can possibly enslave their Country; but that once broken, the divided Parties are forc'd to unite each to its Head, under whose Conduct or Fortune one side is at first Victorious, and at last both are Slaves. And to put it past dispute, that this intire Subversion of the *Roman* Liberty and Constitution, was altogether owing to those Measures which had broke the Ballance between the *Patricians* and *Plebeians*, whereof the Ambition of particular Men was but an Effect and Consequence; we need only consider, that when the uncorrupted Part of the Senate had by the Death of *Cæsar* made one great Effort to restore their former State and Liberty, the Success did not answer their hopes, but that whole Assembly was so sunk in its Authority, that those Patriots were forc'd to fly, and give way to the Madness of the People; who by their own Dispositions, stirred up with the Harangues of their Orators, were now wholly bent upon Single and Despotick Slavery. Else, how could such a Profligate as *Antony*, or a Boy of eighteen, like *Octavius*, ever dare to dream of giving Law to such an Empire and People? Wherein the latter succeeded, and entail'd the vilest Tyranny that Heaven in its Anger ever inflict'd on a Corrupt and Poison'd People: And this, with so little Appearance at *Cæsar's* Death, that when *Cicero* wrote to *Brutus*, how he had prevail'd by his Credit with *Octavius*, to promise him (*Brutus*) Pardon and Security for his Person, that Great *Roman* receiv'd the Notice with the utmost Indignity, and return'd *Cicero* an Answer (yet upon Record) full of the highest Repentment and Contempt for such an Offer, and from such a Hand.

Here

Here ended all Shew or Shadow of Liberty in *Rome*. Here was the Repository of all the wife Contentions and Struggles for Power, between the Nobles and Commons, lapt up safely in the Bosom of a *Nero* and a *Caligula*, a *Tiberius* and a *Domitian*.

Let us now see from this Deduction of particular Impeachments, and general Dissensions in *Greece* and *Rome*, what Conclusions may naturally be form'd for Instruction of any other State, that may haply upon many Points labour under the like Circumstances.

C H A P. IV.

UPON the Subject of Impeachments we may observe that the Custom of accusing the Nobles to the People, either by themselves or their Orators (now called, *An Impeachment in the Name of the Commons*) has been very antient both in *Greece* and *Rome*, as well as *Carthage*; and therefore may seem to be the inherent Right of a free People; nay perhaps it is really so. But then, it is to be consider'd, that this Custom was peculiar to Republicks, or such States where the Administration was principally in the Hands of the Commons, and ever rag'd more or less, according to their Inroachments upon absolute Power; having been always lookt upon by the wisest Men, and best Authors of those Times, as an effect of Licentiousness, and not of Liberty; a Distinction which no Multitude either Represented or Collective, has been at any time very nice in observing. However, perhaps this Custom in a Popular State, of Impeaching particular Men, may seem to be nothing else but the Peoples chusing, upon Occasion, to exercise their own Jurisdiction in Person, as if a King of *England* should sit as Chief Justice in his Court of *King's Bench*, which they say, in former times he sometimes did. But in *Sparta*, which was called a Kingly Government, tho the People were perfectly free, yet because the Administration was in the two Kings, and the *Ephori* (with the Assistance of the Senate) we read of no Impeachments by the People, nor was the Process against great Men, either upon account of Ambition or ill Conduct, tho it reacht sometimes to Kings themselves, ever formed that way, as I can recollect; but only pass thro those Hands where the Administration lay. So likewise during the Regal Government in *Rome*, tho it was instituted a mixt Monarchy, and the People made great advances in Power; yet I do not remember to have read of one Impeachment from the Commons against a Patrician, till the Consular State began, and the People had made great Inroachments upon the Administration.

Another thing to be consider'd is, that, allowing this Right of Impeaching to be as inherent as they please: Yet, if the Commons have been perpetually mistaken in the Merits of the Causes and the Persons, as well as in the Consequences of such Impeachments upon the Peace of the State; one cannot conclude less, than that the Commons in *Greece* and *Rome* (whatever they may be in other States) were by no means qualified either as Prosecutors or Judges in such matters; and therefore, that it would have been prudent, to have reserv'd these Privileges dormant, never to be produced, but upon very great and urging Occasions, where the State is in apparent danger, the universal Body of the People in Clamours against the Administration, and no other Remedy in view. But for a few Popular Orators or Tribunes upon the score of *Personal Piques*; or to employ the Pride they conceive in seeing themselves at the Head of a Party; or as a Method of Advancement; or moved by certain powerful Arguments that could make *Demosthenes* Philippize: For such Men, I say, when the State would of it self gladly be quiet, and as besides Affairs of the last Importance upon the Anvil, to Impeach *Miltiades* after a great Naval Victory for not pursuing the *Persian Fleet*; to Impeach *Aristides*, the Person most wised among them in the Knowledge and Practice of their Laws, for a blind suspicion of his acting in an Arbitrary way; (that is, as they expounded it, not in Concert with the People) to Impeach *Pericles*, after all his Services, for a few pauntry Accounts; or to Impeach *Phocion*, who had been guilty of no other Crime but negotiating a Treaty for the Peace and Security of his Country: What could the Continuance of such Proceedings end in, but the utter Discouragements of all virtuous Actions and Persons, and consequently in the Ruin of a State? Therefore the Historians

Impeachments of Nobles by the Commons very Antient.

But peculiar to Republicks.

Commons not qualified for such Matters.

of those Ages seldom fail to set this Matter in all its Lights; leaving us the highest and most honourable Ideas of those Persons, who suffer'd by the Persecution of the People, together with the fatal Consequences they had, and how the Persecutors seldom failed to repent when it was too late.

Impeach-
ments are
a discour-
agement
to Virtue.

Lib. 3.
Memorab.

Lib. 11.

Commons
in Honour
were ob-
lig'd to
condemn
the Im-
peach'd.

First steps
of popular
Incroach-
ments dan-
gerous.

Popular
Incroach-
ments how
to prevent.

These Impeachments perpetually falling upon many of the best Men both in Greece and Rome, are a Cloud of Witnesses, and Examples enough to discourage Men of Virtue and Abilities, from engaging in the Service of the Publick; and help on t'other side, to introduce the Ambitious, the Covetous, the Superficial, and the ill-designing; who are as apt to be Bold, and Forward, and Medling, as the former are to be Cautious, and Modest, and Reserved. This was so well known in Greece, that an eagerness after Employments in the State, was lookt upon by wise Men, as the worst Title one could set up; and made Plato say, *that if all Men were as good as they ought, the Quarrel in a Commonwealth would be, not as it is now, who should be Ministers of State, but who should not be so.* And Socrates is introduc'd by Xenophon, severely chiding a Friend of his for not entering into the publick Service, when he was every way qualified for it. Such a backwardness there was at that time among good Men, to engage with an usurping People, and a set of pragmatical ambitious Orators. And Diodorus tells us, that when the *Petalism* was erected at Syracuse, in imitation of the *Ostracism* at Athens, it was so notoriously levelled against all who had either Birth or Merit to recommend them, that whoever had either, withdrew for Fear, and would have no concern in publick Affairs. So that the People themselves were forc'd to abrogate it for fear of bringing all things into Confusion.

There is one thing more to be observ'd, wherein all the popular Impeachments in Greece and Rome seem to have agreed; and that was, a Notion they had of being concern'd in Point of Honour to condemn whatever Person they Impeached; however frivolous the Articles were upon which they began, or however weak the Surmises whereon they were to proceed in their Proofs. For, to conceive that the Body of the People could be mistaken, was an Indignity not to be imagin'd, till the Consequences had convinc'd them when it was past Remedy. And I look upon this as a Fate to which all popular Accusations are subject; tho I should think that the Saying, *Vox Populi, Vox Dei*, ought to be understood of the Universal Bent and Current of a People, not of the bare Majority of a few Representatives; which is often procur'd by little Arts, and great Industry and Application, wherein those who engage in the Pursuits of Malice and Revenge, are much more sedulous than such as would prevent them.

From what has been deduc'd of the Dissensions in Rome, between the two Bodies of Patricians and Plebeians, several Reflections may be made.

First, That when the Ballance of Power is duly fix'd in a State, nothing is more dangerous or unwise than to give way to the first steps of popular Incroachments; which is usually done either in hopes of procuring Ease and Quiet from some vexatious Clamour, or else made Merchandize, and merely Bought and Sold. This is, breaking into a Constitution to serve a present Expedient, or supply a present Exigency: The Remedy of an Emprick, to stifle the present Pain, but with certain prospect of sudden and terrible Returns. When a Child grows easy and content by being humoured; and when a Lover becomes satisfy'd by small Compliances, without further Pursuits; then expect to find popular Assemblies content with small Concessions. If there could one single Example be brought from the whole Compass of History, of any one popular Assembly, who after beginning to contend for Power, ever sat down quietly with a certain Share: Or, if one Instance could be produc'd of a popular Assembly, that ever knew, or propos'd, or declar'd what share of Power was their due; then might there be some hopes, that it were a matter to be adjusted, by Reasonings, by Conferences, or Debates. But since all that is manifestly otherwise, I see no Course to be taken in a settl'd State, but a steady constant Resolution in those to whom the rest of the Ballance is entrusted, never to give way so far to popular Clamours, as to make the least breach in the Constitution, thro which a Million of Abuses and Incroachments will certainly in time force their way.

Again, from this Deduction, it will not be difficult to gather and assign certain Marks of popular Incroachments; by observing of which, those who hold the Ballance in a State, may judg of the Degrees, and by early Remedies and Application, put a stop to the fatal Consequences that would otherwise ensue. What those Marks are, has been at large deduced, and need not be here repeated.

Another

Another Consequence is this : That (with all respect for popular Assemblies ^{Body of} it spoke) it is hard to recollect one Foily, Infirmity, or Vice, to which a single ^{Commons} man is subjected, and from which a Body of Commons either collective or repre- ^{not wholly} sented can be wholly exempt. For, besides that they are compos'd of Men with ^{except} all their Infirmities about them ; they have also the ill Fortune to be generally ^{from the} ed and influenced by the very worst among themselves ; I mean, *Popular Orators*, *single Man* *tribunes*, or as they are now stil'd, *Great Speakers*, *Leading Men*, and the like. From whence it comes to pass, that in their Results we have sometimes found the same Spirit of Cruelty and Revenge, of Malice and Pride ; the same Blindness and Obstinacy, and Unsteadiness ; the same ungovernable Rage and Anger ; the same Injustice, Sophistry, and Fraud, that ever lodged in the Breast of any Individual.

Again, in all free States the Evil to be avoided is Tyranny : That is to say, ^{Tyranny the} *Summa Imperii*, or unlimited Power solely in the Hands of the One, the Few, ^{great Evil} or the Many. Now, we have shewn, that altho most Revolutions of Government ^{of all free} in *Greece* and *Rome* began with the Tyranny of the People, yet they generally ^{States.} concluded in that of a single Person : so that an usurping Populace is its own *Dupe*, mere Underworker, and a Purchaser in Trust for some single Tyrant, whose State and Power they advance to their own Ruin, with as blind an Instinct, as those Worms that die with weaving magnificent Habits, for Beings of a Superior Nature to their own.

CHAP. V.

Some Reflections upon the late publick Proceedings among us, and that variety of Factions into which we are still so intricately engaged, gave Occasion to this Discourse. I am not conscious that I have forc'd one Example, or put it into any other Light than it appear'd to me, long before I had Thoughts of producing

I cannot conclude without adding some particular Remarks upon the present posture of Affairs and Dispositions in this Kingdom.

The Fate of Empire is grown a Common-place : That all Forms of Govern- ^{Forms of} ment having been instituted by Men, must be mortal like their Authors, and have ^{Govern-} their Periods of Duration limited as well as those of private Persons, is a ^{ment have} Truth of vulgar Knowledg and Observation : But there are few who turn their ^{their Peri-} Thoughts to examine how those Diseases in a State are bred, that hasten its End, ^{ods of Du-} which would however be a very useful Enquiry. For tho we cannot prolong the ^{ration.} period of a Commonwealth beyond the decree of Heaven, or the date of its Nature, any more than human Life beyond the strength of the seminal Virtue ; yet we may manage a sickly Constitution, and preserve a strong one ; we may watch and prevent Accidents ; we may turn off a great Blow from without, and purge away an ill Humor that is lurking within : And by these, and other such Methods, render a State long-liv'd, tho not immortal. Yet some Physicians have thought, that if it were practicable to keep the several Humours of the Body in an exact equal Ballance of each with its opposite, it might be immortal ; and so perhaps would a political Body, if the Ballance of Power could be always held exactly even. But I doubt, this is as impossible in the Practice as the other.

It has an Appearance of Fatality, and that the Period of a State approaches, ^{When the} when a Concurrence of many Circumstances both within and without, unite to- ^{Period of a} ward its Ruin ; while the whole Body of the People are either stupidly negligent, ^{State ap-} or else giving in with all their Might, to those very Practices that are working ^{proaches.} their Destruction. To see whole Bodies of Men breaking a Constitution by the very same Errors that so many have been broke before : To observe opposite Parties, who can agree in nothing else, yet firmly united in such Measures as must certainly ruin their Country : In short, to be encompass'd with the greatest Dangers from without, to be torn by many virulent Factions within ; then to be secure and endless under all this, and to make it the very least of our Concern : These and some others that might be named, appear to me to be the most likely Symptoms in a State, of a *Sickness unto Death*.

*Quod procul à nobis flectat Fortuna gubernans :
Et ratio potius, quam res persuadeat ipsa. Lucr.*

Dissolution of a Government when most lamentable. There are some Conjunctions wherein the Death or Dissolution of Government is more lamentable in its Consequences than it would be in others. And, I think, a State can never arrive to its Period in a more deplorable *Crisis*, than at a time when some *Prince in the Neighbourhood*, of vast Power and Ambition, lies hovering like a Vulture to devour, or at least dismember its dying Carcase; by which means it becomes only a Province or Acquisition to some mighty Monarchy, without hopes of a Resurrection.

Genius of Nations often changes. I know very well, there is a set of sanguine Tempers, who deride and ridicule in the Number of Fopperies all such Apprehensions as these. They have it ready in their Mouths, that the People of *England* are of a Genius and Temper, never to admit Slavery among them; and they are furnish'd with a great many Common-places upon that Subject. But, it seems to me, that such Discourfers do reason upon short Views, and a very moderate compass of Thought. For, I think it a great Error to count upon the Genius of a Nation, as a standing Argument in all Ages; since there is hardly a spot of Ground in *Europe*, where the Inhabitants have not frequently and intirely changed their Temper and Genius. Neither can I see any Reason why the Genius of a Nation should be more fix'd in the Point of Government, than in their Morals, their Learning, their Religion, their common Humour and Conversation, their Diet, and their Complexion; which do all notoriously vary almost in every Age, and may every one of them have great Effects upon Mens Notions of Government.

Ballance of Power in England has often varied since the Conquest. Since the *Norman Conquest*, the Ballance of Power in *England* has often varied, and sometimes been wholly overturned; the Part which the Commons had in it, that most disputed Point in its Original, Progress and Extent, was by their own Confessions, but a very inconsiderable share. Generally speaking, they have been gaining ever since, tho with frequent Interruptions, and slow Progress. The abolishing of *Villanage*, together with the Custom introduced (or permitted) among the Nobles of selling their Lands in the Reign of *Henry the VII.* was a mighty Addition to the Power of the Commons; yet I think a much greater hapned in the time of his Successor, at the Dissolution of the Abbies. For this turn'd the Clergy wholly out of the Scale who had so long fill'd it, and plac'd the Commons in their stead; who in a few Years became possessed of vast Quantities of those and other Lands, by Grant or Purchase. About the middle of Queen *Elizabeth's* Reign, I take the Power between the Nobles and the Commons to have been in more equal Ballance, than it was ever before or since. But then, or soon after arose a Faction in *England*, which under the Name of *Puritan*, began to grow Popular, by molding up their new Schemes of Religion with Republican Principles in Government; and gaining upon the Prerogative, as well as the Nobles, under several Denominations, for the space of about sixty Years, did at last overthrow the Constitution, and according to the usual course of such Revolutions, did introduce a Tyranny, first of the People, and then of a single Person.

Human Nature apt to run from one Extreme to another. In a short time after, the old Government was reviv'd. But the Progress of Affairs for almost forty Years under the Reigns of two weak Princes, is a Subject of a very different Nature; when the Ballance was in danger to be overturn'd by the Hands that held it, which was at last very seasonably prevented by the late Revolution. However as it is the Talent of human Nature to run from one Extreme to another; so in a very few Years we have made mighty Leaps from Prerogative Heights, into the Depths of Popularity; and I doubt, to the very last degree that our Constitution will bear. It were to be wish'd, that the most August Assembly of the Commons would please to form a Pandect of their own Power and Privileges, to be confirm'd by the intire Legislative Authority, and that in as solemn a manner (if they please) as the *Magna Charta*. But to fix one Foot of their Compass wherever they think fit, and extend the other to such terrible Lengths, without describing any Circumference at all, is to leave us and themselves in a very uncertain State, and in a sort of Rotation, that the Author of the *Oceana* never dreamt of. I believe the most hardy Tribune will not venture to affirm at present, that any just Fears of Encroachment are given us from the Regal Power or the Few: And, is it then impossible to err on the other side?

How

How far must we proceed, or where shall we stop? *The Raging of the Sea*, and *the Madness of the People* are put together in Holy Writ; and 'tis God alone who can say to either, *Hitherto shalt thou pass, and no further.*

The Balance of Power in a limited State is of such absolute Necessity, that Cromwel himself, before he had perfectly confirm'd his Tyranny, having some Occasions for the Appearance of a Parliament, was forc'd to create and erect an entire new House of Lords (such as it was) for a Counterpoise to the Commons. And indeed, considering the vileness of the Clay, I have sometimes wonder'd, that no Tribune of that Age durst ever venture to ask the Potter, *What dost thou make?* But it was then about the last Act of a popular Usurpation, and Fate or Cromwel had already prepared them for that of a single Person.

I have been often amaz'd at the rude, passionate and mistaken Results, which have at certain times fallen from great Assemblies both Antient and Modern, and of other Countries as well as our own. This gave me the Opinion I mention'd a while ago, that publick Conventions are liable to all the Infirmities, Follies, and Vices of private Men. To which, if there be any Exception, it must be of such Assemblies who act by *universal Consent, upon publick Principles, and for publick Ends*; such as proceed upon Debates without *unbecoming Warmths, or Influence from particular Leaders, and Inflamers*; such, whose Members instead of *carvassing to procure Majorities for their private Opinions, are ready to comply with general sober Results, the contrary to their own Sentiments.* Whatever Assemblies act by these and other Methods of the like nature, must be allow'd to be exempt from several Imperfections to which particular Men are subjected. But I think the Source of most Mistakes and Miscarriages in Matters debated by publick Assemblies, arises from the Influence of private Persons upon great Numbers; stil'd in common Phrase, *Leading Men and Parties.* And therefore, when we sometimes meet a few Words put together, which is call'd the Vote or Resolution of an Assembly, and which we cannot possibly reconcile to Prudence or publick Good, it is most charitable to conjecture, that such a Vote has been conceiv'd, and born and bred in a private Brain, afterwards rais'd and supported by an obsequious Party, and then with usual Method confirm'd by an artificial Majority. For, let us suppose five hundred Men, mixt in point of Sense and Honesty, as usually Assemblies are: And let us suppose these Men, proposing, debating, resolving, voting, according to the mere natural Motions of their own little or much Reason and Understanding; I do allow, that abundance of indigested and abortive, many pernicious and foolish Overtures would arise and float a few Minutes; but then they would die and disappear. Because, this must be said in behalf of Human kind, that common Sense and plain Reason, while Men are disengag'd from acquir'd Opinions, will ever have some general Influence upon their Minds; whereas the species of Folly and Vice are infinite, and so different in every Individual, that they could never procure a Majority, if other Corruption did not enter to pervert Mens Understandings, and misguide their Wills.

To describe how Parties are bred in an Assembly, would be a Work too difficult at present, and perhaps not altogether safe. *Periculosa plenum opus alex.* Whether those who are Leaders, usually arrive at that Station more by a sort of Instinct, or secret Composition of their Nature, or Influence of the Stars, than by the Possession of any great Abilities, may be a point of much Dispute. But when the Leader is once fix'd, there will never fail to be Followers. And Man is apt to imitate so much of the Nature of Sheep, (*Imitatores, servum Pecus*) that whoever is so bold to give the first *great Leap over the Heads of those about him* (tho he be the worst of the Flock) shall be quickly follow'd by the rest. Besides, when Parties are once form'd, the Straglers look so ridiculous, and become so insignificant, that they have no other way, but to run into the Herd, which at least will hide and protect them; and where to be much consider'd, requires only to be very violent.

But there is one Circumstance with relation to Parties, which I take to be of all others most pernicious in a State; and I would be glad any Partisan would help me to a tolerable Reason, that because *Clodius* and *Curio* happen to agree with me in a few singular Notions, I must therefore blindly follow them in all: Or, to state it at best, that because *Bibulus* the *Party-man* is perswaded that *Clodius* and *Curio* do really propose the Good of their Country as their chief End; therefore *Bibulus* shall be wholly guided and govern'd by them, in the Means and Measures towards it. Is it enough for *Bibulus* and the rest of the Herd to say without

further examining, *I am of the side with Clodius, or I vote with Curio*? Are these proper Methods to form and make up what they think fit to call the *united Wisdom of the Nation*? Is it not possible, that upon some Occasions *Clodius* may be bold and insolent, born away by his Passion, malicious and revengeful; that *Curio* may be corrupt and expose to sale his Tongue or his Pen? I conceive it far below the Dignity both of human Nature, and human Reason, to be engag'd in any Party, the most plausible soever, upon such servile Conditions.

The Influence of one upon many, dangerous.

This influence of One upon Many, which seems to be as great in a People Represented, as it was of old in the Commons Collective, together with the Consequences it has had upon the Legislature; has given me frequent Occasion to reflect upon what *Diodorus* tells us of one *Charondas*, a Lawgiver to the *Sybarites*, an ancient People of *Italy*; who was so averse to all Innovation, especially when it was to proceed from particular Persons (and I suppose, that he might put it out of the Power of Men fond of their own Notions, to disturb the Constitution at their Pleasures, by advancing private Schemes) that he provided a Statute, that whoever propos'd any Alteration to be made, should step out, and do it with a Rope about his Neck: If the Matter propos'd, were generally approv'd, then it should pass into a Law; if it went in the Negative, the Proposer to be immediately hang'd. Great Ministers may talk of what Projects they please; but I am deceiv'd, if a more effectual one could ever be found for taking off (as the present Phrase is) those hot, unquiet Spirits, who disturb Assemblies, and obstruct publick Affairs, by gratifying their Pride, their Malice, their Ambition, or their Avarice.

Difference between a representing Commoner, and acting as a private Person.

Those who in a late Reign began the Distinction between the Personal and Politick Capacity, seem to have had Reason, if they judg'd of Princes by themselves; for, I think there is hardly to be found thro all Nature, a greater difference between two Things, than there is between a representing Commoner in the Function of his publick Calling, and the same Person, when he acts in the common Offices of Life. Here, he allows himself to be upon a Level with the rest of Mortals: Here, he follows his own Reason, and his own Way; and rather affects a Singularity in his Actions and Thoughts, than servilely to copy either from the wisest of his Neighbours. In short, here his Folly, and his Wisdom, his Reason, and his Passions, are all of his own Growth, not the Echo or Infusion of other Men. But when he is got near the Walls of his Assembly, he assumes and affects an intire Set of very different Airs; he conceives himself a Being of a Superior Nature to those without, and acting in a Sphere where the vulgar Methods for the Conduct of human Life can be of no use. He is list'd in a Party, where he neither knows the Temper, nor Designs, nor perhaps the Person of his Leader; but whose Opinions he follows and maintains with a Zeal and Faith as violent, as a young Scholar does those of a Philosopher, whose Sect he is taught to profess. He has neither Opinions, nor Thoughts, nor Actions, nor Talk, that he can call his own, but all convey'd to him by his Leader, as Wind is thro an Organ. The Nourishment he receives has been not only chewed, but digested before it comes into his Mouth. Thus instructed, he follows the Party right or wrong thro all its Sentiments, and acquires a Courage and Stiffness of Opinion nor at all congenial with him.

This encourages me to hope, that during this lucid Interval, the Members retir'd to their Homes, may suspend a while their acquir'd Complexions, and taught by the Calmness of the Scene and the Season, reassume the native sedateness of their Temper. If this should be so, it would be wise in them, as individual and private Mortals, to look back a little upon the Storms they have rais'd, as well as those they have escap'd: To reflect, that they have been Authors of a new and wonderful Thing in *England*, which is, for a House of Commons to lose the universal Favour of the Numbers they represent: To observe, how those whom they thought fit to persecute for Righteousness sake, have been openly caress'd by the People; and to remember how themselves sat in fear of their Persons from popular Rage. Now, if they would know the Secret of all this unprecedented Proceeding in their Masters; they must not impute it to their Freedom in Debate, or declaring their Opinions; but for that unparliamentary Abuse of setting Individuals upon their Shoulders, who were hated by God and Man. For, it seems, the Mass of the People, in such Conjunctions as this, have open'd their Eyes, and will not endure to be govern'd by *Clodius* and *Curio* at the Head of their *Myrmidons*, tho these be ever so numerous, and compos'd of their own Representatives.

This Averſion of the People to the late Proceedings of the Commons, is an Accident, that if it laſt a while, might be improv'd to good Uſes for ſetting the Balance of Power a little more upon an Equality, than their late Meaſures ſeem to promiſe or admit. This Accident may be imputed to two Cauſes. The firſt, is an univerſal Fear and Apprehenſion of the Greatneſs and Power of France, whereof the People in general ſeem to be very much and juſtly poſſeſs'd, and therefore cannot but reſent to ſee it, in ſo critical a Juncture, wholly laid aſide by their Miniſters, the Commons. The other Cauſe, is a great Love and Senſe of Gratitude in the People towards their preſent King, grounded upon a long Opinion and Senſe of his Merit, as well as Conceſſions to all their reaſonable Deſires; ſo that it is for ſome time they have begun to ſay, and to fetch Inſtances where he has in many things been hardly uſed. How long theſe Humours may laſt (for Paſſions are momentary, and eſpecially thoſe of a Multitude) or what Conſequences they may produce, a little time may diſcover. But whenever it comes to paſs, that a popular Aſſembly, free from ſuch Obſtructions, and already poſſeſs'd of more Power than an equal Balance will allow, ſhall continue to think they have not enough, but by cramping the Hand that holds the Balance, and by Impeachments or Diſſenſions with the Nobles, endeavour ſtill for more; I cannot poſſibly ſee in the common courſe of things, how the ſame Cauſes can produce different Effects and Conſequences among us, than they did in Greece and Rome.

There is one thing I muſt needs add, tho I reckon it will appear to many as a very unreaſonable Paradox. When the Act paſſed ſome Years ago againſt Bribing of Elections; I remember to have ſaid upon occaſion, to ſome Perſons of both Houſes, that we ſhould be very much deceiv'd in the Conſequences of that Act: And upon ſome Diſcourſe of the Conveniences of it, and the contrary (which will admit Reaſoning enough) they ſeem'd to be of the ſame Opinion. It has appear'd ſince, that our Conjectures were right: For I think the late Parliament was the firſt-fruits of that Act; the Proceedings whereof, as well as of the preſent, have been ſuch, as to make many Perſons wiſh that things were upon the old Foot in that matter. Whether it be that ſo great a Reformation was too many Degrees beyond ſo corrupt an Age as this; or that according to the preſent turn and diſpoſition of Men in our Nation, it were a leſs abuſe to Bribe Elections, than leave them to the diſcretion of the Chufers. This at leaſt was Cato's Opinion, when things in Rome were at a Criſis, much reſembling ours; who is recorded to have gone about with great Induſtry, dealing Money among the People to favour Pompey (as I remember) upon a certain Election in oppoſition to Caſar: and he excuſed himſelf in it upon the neceſſities of the Occaſion, and the corruptions of the People; an Action that might well have excuſ'd Cicero's cenſure of him, that he reaſon'd and aſted, *tanquam in Republica Platonis, non in ſæce Romuli*. However it be, 'tis certain that the Talents which qualify a Man for the Service of his Country in Parliament, are very different from thoſe which give him a dexterity at making his Court to the People; and do not often meet in the ſame Subject. Then for the Moral part, the difference is inconfiderable; and whoever praſtiſes upon the Weakneſs and Vanity of the People, is guilty of an immoral action as much as if he did it upon their Avarice. Beſides, the two Trees may be judg'd by their Fruits. The former produces a ſet of popular Men, fond of their own Merits and Abilities, their Opinions, and their Eloquence; whereas the bribing of Elections ſeems to be at worſt, but an ill means of keeping things upon the old Foot, by leaving the defence of our Properties, chiefly in the hands of thoſe who will be the greateſt ſufferers, whenever they are endanger'd. It is eaſy to obſerve in the late and preſent Parliament, that ſeveral Boroughs and ſome Counties have been repreſented by Perſons, who little thought to have ever had ſuch hopes before: And how far this may proceed, when ſuch a way is lay'd open for the Exerciſe and Encouragement of popular Arts, one may beſt judg from the Conſequences that the ſame Cauſes produc'd both in Athens and Rome. For, let Speculative Men Reaſon, or rather Refine as they pleaſe; it ever will be true among us, that as long as Men engage in the publick Service upon private Ends, and whiſt all Pretences to a Sincere Roman Love of our Country, are lookt upon as an Affectation, a Foppery, or a Diſguiſe (which has been a good while our Caſe, and is likely to continue ſo) it will be ſafer to truſt our Property and Conſtitution in the hands of ſuch, who have pay'd for their Elections, than of thoſe who have obtain'd them by ſervile Flatteries of the People.

A Full Account of the Proceedings in relation to Capt. Kidd. In two Letters.

Printed in 1701. *Written by a Person of Quality to a Kinsman of the
Earl of Bellomont in Ireland.*

The Publisher to the Reader.

THE following Letters were written at several times, the first in *December*, 1699. the second in *April*, 1701. In reading them, regard ought to be had to the Dates, especially that of the former Letter; otherwise some Passages may not be clearly apprehended. I had the Writer's leave to shew these Letters to his Friends and mine, indeed they were wrote for that Purpose; but the Printing is without his Knowledge; and I fear he will be displeas'd when he hears of it. Had I found him in *England* at my coming, I should have labour'd to prevail with him to have form'd his Letters into a continu'd Relation, and to have carry'd it on farther; because several remarkable things about *Kidd* have happen'd since his second Letter: but he is absent, and I know few Persons fit to alter his Papers, and therefore the Letters are publish'd as they were sent. I am sensible I ought to beg forgiveness of my living Friend, for presuming so far out of Zeal for the Honour of my dead Friend and Kinsman.

Till I heard of my Lord's Death, which happen'd the 5th of *March* 1700. and was heard of in *England* about the latter end of *April* 1701. (but did not reach me till above a Month after) I never thought it necessary to publish any thing on this Subject. I observ'd the Persons who were talk'd of in this Affair, almost as much as the Earl of *Bellomont*, were silent; and tho I did not comprehend their Reasons, I acquiesc'd in their Prudence. Besides, I expected daily to hear of the Earl of *Bellomont*'s being recall'd, his avow'd Enemies having the Power in their hands. I knew he had a Manly way of Writing, and believ'd he would be a very good Apologist for himself, and possibly might know of some Facts fit to be mention'd, which (as well instructed as the worthy Author of these Letters appears to be) might be unknown to any but himself. But as soon as I heard of the Earl of *Bellomont*'s Death, and that this Matter, after all that had pass'd, was made an Article of Impeachment against two Noble Lords, so that still *Kidd*'s Name was to make a Talk in the World, I thought it absolutely due to the Memory of the truly virtuous and noble Earl, to publish this faithful, and I believe perfect Account, of his Part in this whole Matter.

I am altogether unqualify'd for Writing, and had not ventur'd at these few Lines, but that some Account seem'd necessary to be given, why these Papers came out at all, and at this time. But since I have broke the Ice, I will presume a little farther, and tell the Reader my Thoughts on the Passage which I mention'd a little before.

If Men may be accus'd criminally in the House of Commons, and the Fact examin'd into, and a Judgment pass'd upon it in Favour of the Parties, and after this, another House of Commons (upon a Notion that they are not bound by what others did before) may take up the same Matter again, and come to a new Judgment; and so on, till at last it chances that by good Management a Vote may pass the other way (for if it may be twice, it may be ten times) to go yet farther, if the same

House

House of Commons after having solemnly determin'd a thing not to be illegal, can in the same Session of Parliament, without any new Evidence, make it an Article of Impeachment as a thing against Law; I say, if this sort of Proceeding be according to the *English* Constitution, I shall be more reserv'd in extolling our Constitution for the time to come.

I have one more Observation to make. The Address for *Kidd's* Trial was the 30th of March. Generally speaking the Desires which come from that place, are the only effectual Commands; and yet *Kidd* remain'd untry'd till the 8th or 9th of May — What the Reason of this great delay was, is hard to determine, but the care of bringing it on, rested upon a Gentleman, who, as my Friend takes notice, was extremely alter'd from what he had been, since a great political Office was added to his judicial Place.

It is affirm'd by some (who it is said will not be backward in making it out upon a good Occasion) that both before, and after his Trial, no Endeavours were wanting to make *Kidd* understand the only way whereby he might deserve his Pardon. Dr. G — g knows who the Person was, who was with *Kidd* more than once, some few days before his Execution, and dealt so freely with him to advise him to charge two Lords by name with somewhat that was material, which he said was the only way could save his Life. And the more to provoke the poor Wretch to follow his Advice, swore to him that those Lords, and their Friends were restless in soliciting to have him hang'd; and therefore it was reasonable enough for him to do their business.

God disappointed all these cursed Designs. Perhaps the unhappy Creature knew himself incapable to make a probable Story, or to carry on one, tho made to his Hands, and that defer'd him from hearkning to these Counsels of Devils. I rather hope that, as wicked as he had been, he was not arriv'd to such a degree as to attempt to take away Mens Lives and Honour by deliberate Perjuries. I must not omit to set down one Matter of Fact, for the Honour of the Earl of Bellomont. He dyed at his Government of *New-York*. As soon as the unhappy News came to *Boston* in *New-England*, where the General Assembly was then sitting, a Proclamation was publish'd by the Deputy Governor and Council, upon the unanimous Address of the Assembly, for appointing a general Fast to be observ'd throughout the Province, to bewail the Loss of such a Governour, as a publick Calamity: So much was his Virtue known and esteem'd abroad, while he was so unreasonably persecuted in his Native Country.

Kidd's Trial delay'd.

Endeavors us'd to make him impeach.

E. of B. lamented.

London, 21. December, 1699.

YOU have press'd me very often, and with much Earnestness, to give you a Relation of the Business of Captain *Kidd*, which you say has for a great while been the principal Subject of Discourse in the Kingdom where you are, and where our Friend the Earl of Bellomont has the Honour to be a Peer; and you have repeated it often, that the Common Respect we have for him exacts it from me. It is always with Reluctance when I decline any of your Commands, but I thought my self never more in the right than to refuse you in this Instance. I look'd on my self as altogether unqualify'd to answer what you desir'd, since it has not been my good Fortune to have pursu'd the Study of the Law as my Profession; and therefore likely to give but a mean Account of a Dispute consisting much of Questions in Law.

But your last Letter gave me so satisfactory a Reason for pitching on me for this Task, that I presently determin'd to obey you as well as I could. You tell me my known Friendship for the Earl of Bellomont, and my long and intimate Familiarity with him, made you conclude he would ingage in nothing of Consequence to which he would let me be a Stranger; and therefore you could think of no Person from whom you could so reasonably hope for a sincere Account of the Matter of Fact. That this was what you and your Friends principally aim'd at, being more desirous to form a Judgment for your selves, than curious to hear the different Constructions which Malice or Friendship to the Persons concern'd, might put upon that Affair.

Your meaning being thus explain'd, I found my self better fitted for what you would impose upon me, than I did at first imagine. You are in the right, I was

privy

privity to all the Steps taken by the Earl of Bellomont, from his first hearing the Name of Kidd, till he left England: and in saying so I do in effect affirm, that I was acquainted with every thing that pass'd in this Affair. For I know that as he was the first Person who hearkned to that Proposal, and the first who mention'd it to the King, so it was his Interest, and (if I may say so) his Importunity that drew in all the rest that became concern'd; and that the Conduct of the whole Affair was intirely trusted to him, except the single Part of buying and fitting out the Ship, wherein Sir Edmund Harrison was join'd with him. I may add, that I have carefully attended whenever this Matter was spoken of, and I am perfectly instructed in the Papers which were laid before the House of Commons, so that I am perhaps as capable as any body of sending you a Narrative of the Fact. And if you will accept of the Story plainly told, I will be responsible it shall be nicely true. And that I may satisfy you as far as I can, when I have gone thro the Fact, I will also endeavour to explain to you (from the best Observations I could make) how it was possible that such a Matter could raise so much Heat and Noise, which is what you say you are impatient to know; and afterwards, as well as I can, I will give you a Relation of the Arguments on both sides, and of the Opinion of the Committee of the whole House, which put an end to the Matter.

American Colonies infected with Pirates.

It is well known that for several Years two very pernicious things have been growing in our American Colonies; an Unlawful Trade, in fraud of the Acts of Navigation and the Plantations infinitely prejudicial to England; and the cursed Practice of Piracy, utterly destructive of all Commerce. Many were insensibly drawn into these ill Courses by observing what Excessive Wealth the Offenders gain'd in a short time, and with what Impunity they offended. For some Governors, having found a way to share in the Profit, were oblig'd not only to connive at but protect the Criminals. During the late War these Evils increas'd exceedingly, either because Men's Thoughts being engag'd nearer home, there was not leisure, nor a possibility to look strictly after what was doing in those remote parts, or for some other reason. Tho it must be own'd that Officers were employ'd by the Commissioners of the Customs to inquire into the irregular Trade, and Orders frequently repeated to the Governors of Plantations, and to the Squadrons and Men of War which were sent to the West-Indies, to use their best Diligence to suppress Pirates. But it was easy for them to avoid Squadrons, and not difficult to keep out of the way of the Men of War, who were sent for particular Purposes, and were appointed to certain Stations which they could not leave, and consequently could not pursue Rovers to any purpose; who thereby growing bold, did not only commit Spoils on the Coasts of America, but went beyond the Cape of Good Hope, and rob'd in the East-Indies and at the Entrance into the Red Sea.

E. of Bellomont made Governor of N. York.

In the beginning of the Year 1695, his Majesty thought fit to name the Earl of Bellomont to be Governor of New-York, a Place remarkably infected with those two dangerous Diseases. The Earl has often told me, that what the King said to him, when he first let him know his Pleasure, was that which chiefly induc'd him to accept of the Employment. His Majesty did him the Honour to say he thought him a Man of Resolution and Integrity, and with those Qualifications more likely than any other he could then think of to put a stop to that illegal Trade, and to the Growth of Piracy; for which Reason he made choice of him for that Government, and for the same Reason intended to put the Government of New-England into his Hands.

Applications made to him accordingly.

As soon as it was known that the Earl of Bellomont was design'd for Governor, all Persons who had Concerns in New-York made their Applications to him. Among others Col. Robert Livingston, a Man of a considerable Estate and fair Reputation, had several Employments in that Province, had frequent Access to him, as well upon the account of the Publick Affairs there, as of several Matters which he had then depending before the Council and at the Treasury. The Earl taking occasion to mention to this Gentleman the Scandal which lay upon New-York in respect to the Encouragement and Retreat which Pirates found there; Col. Livingston confess'd there was too much ground for the Complaint, and that if some speedy and effectual Course were not taken to suppress those Enormities, so many Persons would be drawn into the Guilt, that it would become exceeding difficult to master them.

Capt. Kidd acquainted with the principal Pirates.

When he came again to wait on the Earl, he took notice of the Zeal the Earl had express'd at their last Conversation for putting a stop to that Piratical Trade, since which time, he said, he had spoke with one Captain William Kidd, lately come from

from *New York* in a Sloop of his own upon the account of Trade, who told him that he knew most of the principal Men who had been abroad roving, and divers who were lately gone out; and likewise had some knowledg of the Places where they usually made their Rendevouz; and that he would undertake to seize most of them, in case he might be employ'd in one of the King's Ships, a good Sailer of about 30 Guns, and might have 150 Men. He said, that tho the Pirates were many in number, yet they had at that time no Ships of considerable Force. *Livingston* affirm'd that *Kidd* was a bold and honest Man, and he believ'd fitter than any other to be employ'd on that Occasion.

The King was made acquainted with the Proposal by the Earl of *Bellmont*, which he was pleas'd to think very necessary to be immediately consider'd, because about that time divers Informations upon Oath had been sent to the Secretary of State, of several Vessels gone and a going from *Bermudas*, *New-York*, *Rhode-Island*, &c. upon Piratical Deligns, under the Command of *Thomas Too*, *William Maze*, *John Ireland*, *Thomas Wake* and others, who were all of them known Pirates, and had made several Piratical Voyages, from which they had return'd with great Wealth. His Majesty was pleas'd to consult the Admiralty on this Occasion, but the War employing all the King's Ships which were in a Condition for Service, and the great want of Seamen (notwithstanding the Press and all other Means us'd) together with the Remoteness of the Voyage, and the Uncertainty of meeting with the Pirates, or taking them tho they might be found out, occasion'd, after some Deliberation, the laying aside of this Project, as impracticable at that time.

Col. *Livingston*, finding no hopes of any thing to be done this way, did propose to the Earl, that if Persons of Consideration might be induc'd to join in the Expence of buying and fitting out a proper Ship, he had such an Opinion of *Kidd's* Capacity and good Meaning, and so great a Desire that some Stop might be put to these Piracies, that he would be one of the Undertakers: And that he and *Kidd* would bear a fifth part of the Charge. *Livingston* affirm'd to the Earl that *Kidd* was a settl'd Inhabitant at *New-York*, liv'd regularly, had a competent Estate of his own, and had marry'd at *New-York* a Wife with a considerable Fortune, by whom he had a Child. Adding withal, that *Kidd's* good Behaviour might be depended upon with Assurance, because if he did otherwise than as his Duty would oblige him, he had no Place to go to, for he had acted such things against the *French* since the War, that he durst never trust himself to them. And as a further Evidence, how much he confided in *Kidd's* Integrity, *Livingston* offer'd to become bound with him to the Earl for his faithful Execution of his Commission, and safe bringing back of the Vessel.

The Earl thought himself oblig'd in Duty to make this second Overture known to his Majesty, who was pleas'd to approve highly of the Design, because in the present Circumstances, nothing of that nature was to be effected any other way. He did also declare, as an Encouragement to such an Undertaking, that the Persons whom the Earl should ingage to be at the Expence of the Voyage, should have a Grant of what *Kidd* should take from the Pirates, as far as it might belong to him, except some certain part which he would reserve to himself, chiefly to shew that he was a Partner in the Undertaking.

The Earl being thus encourag'd, did heartily labour to ingage his Friends, but found it very difficult to persuade Men to venture their Money on so great Uncertainties, which (whatever Constructions some have since labour'd to put on that Undertaking) the Earl has often complain'd of to me as what he thought was an Evidence of Want of publick Spirits in the Nation. I dare say, if he had not thought the Design every way honourable, he would never have entred on it himself, or have ventur'd to propose it to such Men as my Lord Chancellor, the Duke of *Shrewsbury*, the Earl of *Rumney*, or my Lord *Orford*; since to my personal Knowledg, as to two of those Lords, he had the highest Opinion of their Worth and Virtue, that a Man could conceive. And the World must believe, that if Men of their Character had entertain'd the least doubt of the Lawfulness or Commendableness of the Design, no Solicitation of the Earl of *Bellmont* could have drawn them to join in it. But so it is, the Earl did prevail with these Lords (after they knew the King did not only allow but recommend the Undertaking) together with Sir *Edmund Harrison* and some Friends of his, to be at the Expence of near 6000 l. in buying and fitting out the *Adventure-Gally*, in a manner propos'd by *Livingston* and *Kidd*, they two paying a fifth part of the Charges, according to the first Overture. The Management of the whole Affair was so intirely trusted to the Earl of *Bellmont*.

mont by the Lords concern'd, that the Earl has often told me they did not so much as know of the Articles which were between *Kidd* and him. Those Articles the Earl did once read to me; I cannot remember the Effect of them in particular, only I dare say they contain'd nothing but what was fair and warrantable.

Kidd had a Commission against the French and Pirates.

Kidd had a Commission from the Admiralty dated the 10th of December 1695. as a private Man of War, but that empower'd him only to act against the French. He had another Commission under the Great Seal, dated the 26th of January 1695. to the effect following. 'That whereas Informations had been given to the King, 'that the four Persons above nam'd and other of his Majesty's Subjects, had associated themselves with many wicked Persons, and committed great Piracies in the 'Parts of *America* and elsewhere, in violation of the Law of Nations, to the 'Discouragement of Trade, and to the Dishonour of his Royal Authority, in 'case any of his Subjects guilty of such detestable Enormities should go unpunish'd: 'His Majesty did therefore give Power to *Capt. Kidd*, Commander of the *Adventure-Gally*, and to the Commander of that Ship for the time being, to apprehend and 'seize the Persons abovenam'd, and all other Pirates whom he should meet with 'on the Coasts of *America*, or other Seas, with their Ships and Goods; and in case 'of Resistance to fight with and compel them to yield, and to bring them to a 'legal Trial, in order to suffer the Punishment of the Law. The Commission also 'requir'd him to keep an exact Journal of his Proceedings, and a perfect Inventory 'of all Ships, Arms, Ammunition and Lading of the Ships, which he should take 'with the Pirates.

*Caution us-
fed about
him and
his Crew.*

These were all the Powers which *Kidd* had; and being thus empower'd, and being himself so far interest'd in the Undertaking, and having given such Security as aforesaid, there seem'd to be a very good Caution for his fair Proceeding. But that nothing might be wanting which the Nature of the thing would admit, notwithstanding the great difficulty of finding Seamen at that time, *Sir Edmund Harrison* took such care of the Crew, that every Officer in the Ship, and almost all the Seamen had settl'd Families in *England*.

True it is, this last Care was in a great degree render'd ineffectual, for most of his Crew were press'd into the King's Service before he got out of the River.

A Warrant pass'd for the Benefit of the Owners of the Gally.

The Ship set sail from *London* in the Month of Feb. 1695. but did not get from *Plimouth* till about April following. Sometime after his Majesty was pleas'd, in pursuance of his gracious Promise, to order a Warrant to be prepar'd for passing a Grant for the Benefit of the Owners of the *Adventure-Gally*, and at the same time to declare that he would have a clear tenth part of what should be gotten, reserv'd for himself. The Lords of the Treasury being of Opinion that it would not be so proper to have that tenth part mention'd in the Grant, as to have it secur'd to the King by way of Covenant from the Grantees; the Warrant was drawn accordingly, and a Bill was prepar'd pursuant to it by *Sir John Hawles*, his Majesty's Solicitor General: which 'recited the Commission, and took notice that the *Adventure-Gally* was bought and fitted for the Expedition by the King's Royal Encouragement, and at the sole Charge of the Persons nam'd, and that his Majesty 'being desirous that so chargeable an Undertaking for so good Ends should meet 'with Encouragement, did grant to them all Ships and Goods and other things 'which after the 30th of April, 1696. had been taken, or should be taken with the 'Persons above-nam'd, or any other Pirates, by Captain *Kidd* or other Commander 'of the *Adventure-Gally*, as far as the same might belong to the King, or were 'grantable by him, or in his Power to dispose in Right of his Crown, or as Perquisites of the Admiralty, or otherwise, to be held without Account.

E. of Bellomont, &c. gave Security to account with his Majesty.

Before any further Proceeding was made on this Bill, the Earl of *Bellomont*, *Sir Edmund Harrison* and the other Grantees gave Security, prepar'd and executed at the Treasury, to account with his Majesty, or such as he should appoint on Oath, and to answer to him a full clear tenth part of all they should be intitl'd to under the Grant: and this being done, the Grant went to the Privy Seal, and afterwards pass'd the Great Seal.

Cap. Every with a Man of War commits Piracies.

There was no Account of *Kidd* or his Proceedings for a great while. But some of the Crew of one *Every*, who had run away with the Ship call'd the *Charles* the 2d, and committed several Piracies, being taken, Letters were sent in the latter end of August, 1696. from the Privy-Council to all the Plantations, taking notice of the Piracies committed by the *Charles* the 2d, and requiring the Governors to issue out Proclamations for securing *Every*, and as many as could be found of his Accomplices, and commanding them to do their utmost to seize all other Pirates who had gone

gone from several of the Plantations. About the same time the Lords Justices having order'd a Letter brought to them (wherein one of the Persons concern'd in Every's Piracy offer'd to come in as a Witness, if he might have a Pardon) to be sent to the East-India Company, to know if they wanted Evidence; the Company took occasion to present a Petition, in which they said they had Witnesses enough, but desir'd that all Gold, Silver or Jewels, which had been or should be seiz'd with Pirates, should not be dispos'd of, but put into the Company's Possession, to be preserv'd for the use of the Proprietors in India.

The 2d of March 1696. (a year after Kidd's Sailing) the same Company in a Petition to the Lords of the Admiralty took notice, that of late great Numbers of Company Men had set out Ships from Europe and the West-Indies, and had committed petition the Piracies under English Colours, whereby their Effects in India were in danger to be Admiralty against Pi- any might erect a Court of Admiralty in India to condemn them.

The Lords refer'd this Petition to Sir Charles Hedges, the Judge of the Admiralty; Refer'd to who on the 8th day of the same Month made a Report, that the regular way would be Sir Ch. for the Lords of the Admiralty to obtain a Commission under the great Seal, giving Authority to them to grant Commissions to the Company's Ships to take Pirates, but to be sent Hedges. home in Custody. Observe, that this was the very same Course prescrib'd by Kidd's Commission. This Report did not approve the Company's Project, of being trusted with a Court of Admiralty in the Indies, and therefore was as little approv'd by the Company: Thereupon Sir Charles Hedges was ordered to attend the Admiralty Board, and did acquaint them, that if their Lordships had a Power to that purpose—granted under the Great Seal, they might appoint a Vice-Admiral at Bombay, who might lawfully proceed against the Ships of Pirates (if they thought any Body fit to be so far intrusted) but still to send home the Persons in custody.

About August 1698. the East-India Company inform'd the Lords Justices, that East-India they had receiv'd some Intelligence from their Factories in the East-Indies, that Company Captain Kidd had committed several Acts of Piracy, particularly in seizing a inform a Moor's Ship call'd the *Quedah-Merchant*. The Lords Justices immediately order'd against Capt. the Secretary of State to send Circular Letters to the Governours of all the Plan- Kidd. tations in America, to give notice of this News, and to order them in the strictest manner to look after and seize Kidd, in order that he might be prosecuted with the utmost rigour: There being great reason to hope (according to what Levingston had affirm'd to the E. of B. as a good ground why Kidd might be trusted) that he would be under an absolute Necessity of coming back to some of the English Plantations. These Letters were sent away with all dispatch.

The first News of Kidd's return into the American Seas, was by a Letter from He returns the President and Council of *Nevis* to the Secretary of State, dated the 18th of into the A- May 1699. which gave notice that he had been seen in a *Genouese* Vessel very leaky, merican Seas, and that he was in distress for Provisions, and had touch'd at two or three Places to is pursu'd. seek for Succour; and that they had sent the *Queenborough* Man of War, which then attended that Government, in pursuit of him.

The next Advice given of him was from Captain *Quare*, Judge of the Admiralty Court in *Pensilvania*, who gave notice that Kidd had been in *Delaware-Bay* with a sloop, and about forty Men in her, and that divers People had been on Board and apply'd him.

Afterwards (as it appears by Informations taken before the E. of *Bellomont* and Lands the Council of *New-England*, and transmitted to the Secretary of State by the Goods in Earl) Kidd sail'd into the Sound of *New-York*, and set Goods on shore at several the Sound of N.York, places there; and after went to *Rhode-Island*, from whence he sent one *Emmot* to the E. of *Bellomont* at *Boston*, who told him, that Kidd had left a Moorish Ship which he took in India, call'd the *Quedah-Merchant*, in a Creek on the Coast of *Hispaniola*, with Goods in her to a great Value. That he was come thither to make his Terms in a Sloop, which had on board Goods to the value of 10000 l. and was able to make his Innocence appear by many Witnesses.

The Earl of *Bellomont* was overjoy'd to hear Kidd was so near, looking on him- E. of Bello- self as infinitely concern'd, not only upon his own Account, but upon the Account mont in- of the Noble Persons he had prevail'd with to be concern'd in employing him, to tends to seize him, but with be him brought to Justice; and thinking nothing more fortunate for himself, than be able to get Kidd seiz'd by his means. At the same time he resolv'd to act in the Appro- hation of such a manner, as to put it out of the power of Malice it self to give a wrong Con- the Council.

Construction to any thing he should do. He therefore communicated his Intention to the Council, and with their Approbation wrote a Letter to *Kidd*, assuring him that if he would make his Innocence appear, in the manner *Emmet* had assur'd, he might safely come to *Boston*.

In a few days *Kidd* return'd an Answer fill'd with Protestations of his Innocence; and on the first of *June* 1699. landed at *Boston* with his Sloop, and was examin'd before the Earl, and the Council of that Province.

Causes him
to be seiz'd.

The Earl took care to have him carefully observ'd, but defer'd committing him for some time, in hopes he might get out of him where the Great Ship lay. But his trifling and easy Answers, upon his Examination to that and other Matters, his Friends Contrivances to embezel part of the Cargo, the Preparations making to distribute Presents in a Clandestine manner; but above all, *Lovingston's* Behaviour, who was come to *Boston*, and very peremptorily demanded from the Earl the delivery up of that Bond which he had entred into for *Kidd's* honest performance of his Duty in the Expedition (as if that was to be taken for granted) threatening, that unless this was done, *Kidd* would never bring in the Great Ship, gave the Earl of *Bellmont* good grounds to conclude that no more time was to be lost. Therefore on the 6th of *June* 1699. he caus'd *Kidd* to be seized and committed close Prisoner, with divers of his Crew; and at the same time caus'd the Cargo to be taken into the Possession of several Persons appointed by the Council for that purpose, the Earl being determined to touch none of the Effects himself, nor take one step, with respect to *Kidd*, but in concurrence with the Council.

And endeavour
s the
recovery of
the Goods
conceal'd by
him.

When this was done, he set himself immediately about recovering such Goods as *Kidd* had left conceal'd in several Places where he touch'd; in which he shew'd great dexterity as well as diligence, and had such Success, that a considerable Part was regain'd, and put into the Hands of the Persons appointed by the Council.

The Earl also gave Orders for fitting out a Vessel to look after the *Quedab*, according to such light as they had got from *Kidd*. But before she was ready to sail, it was discover'd that *Kidd* had not been sincere as to the Place where the Ship was left, or the Orders he had given concerning her; and particularly one Captain *Everille* brought intelligence, that the Persons with whom *Kidd* had left the *Quedab*, had taken out the Goods and carry'd them in a Sloop to *Curassoa*, and after let the Ship on fire.

C. Kidd's
proceedings
from his
leaving
England.

Perhaps you may have the curiosity to be inform'd of *Kidd's* Actions after he left *England*, for his History is become considerable. I will give you an account of him in few words, as it appear'd in the Informations upon Oath transmitted by the Earl of *Bellmont*. He sail'd from *Plimouth* to *New-York*, and in his way took a French Prize. From thence he sail'd to the *Maderas*, then to *Bonavilla* and *St. Jago*, and proceeded to *Madagascar*, and from thence (touching at several Places) he cruiz'd at the Entrance of the *Red-Sea*, but effected nothing.

After he sail'd to *Calicut*, and about 1698. took a Ship of about 150 Tuns, whereof the Master and three or four Seamen were *Dutch*, the rest *Moors*, and carried her to *Madagascar*.

He sail'd from thence again, and about 5 Weeks after took the *Quedab-Merchant*, of the Burden of 400 Tuns. The Master was one *Wright* an English-man. She had on board two *Dutch* Mates and a French Gunner; the Crew were *Moors*, in all about 90 Persons.

The Ship he carry'd to *St. Maries* near *Madagascar*, and there he shar'd the Goods with his Crew, who were about 151, reserving forty Shares for his own part. When this was done, ninety of his Crew left him and went on board the *Mocha-Frigat*, an *East-India* Company's Ship, which had turn'd Pirate, and then lay there.

Burns the
Adventure
Galley.

Kidd and the rest of his Men burnt the *Adventure-Galley*, and having prevail'd with some others who were then at *St. Maries* to go along with them, they went on board the *Quedab-Merchant*, and sail'd for the *West-Indies*.

Being deny'd Succour at *Angullia* and *St. Thomas*, he sail'd to *Mona*, lying between *Porto Rico* and *Hispaniola*; and there by the means of one *Bolton*, got some Provisions from *Curassoa*, and bought a Sloop of *Bolton*, on which he laded part of his Goods, and left the *Quedab-Merchant* with the rest of the Goods in trust with *Bolton*, and 17 or 18 Men in her. In this Sloop he touch'd at divers Places, where he distributed divers Bales of Goods, and at last came to *Boston* where he was taken.

The

The Earl of Bellomont, by his Letters of the 8th of July 1699. sent to the Secretary of State, and to the Council of Trade, transmitted these Informations, together with Kidd's Examinations, and a particular Account of all his own Proceedings in relation to Kidd and other Pirates; and press'd that immediate Care might be taken in England to send for them in order to their Trial, taking notice that in New-England there was no Law to punish Piracy with Death; and that in those parts the People were so favourable to Pirates, by reason of the Wealth they brought and dispers'd among them, that little Justice could be expected. He also acquainted them how much he fear'd his Escape, because a notorious Pirate had escap'd a little before the Earl came to Boston, not without great suspicion of the Goaler's Privity. He also desir'd Orders with respect to the Goods which he had secur'd.

E. of Bel.
transmits to
England C.
Kidd's Ex-
aminations,
&c.

Upon this Advice the Lords Justices directed the Admiralty immediately to dispatch away one of his Majesty's Ships to fetch Kidd and the other Pirates in safe Custody, together with their Effects. The Admiralty appointed the *Rocheſter* for that Service, who had her Orders accordingly.

The Admi-
rality order
the Roche-
ſter to
fetch him to
England.

The Lords Justices by their Letters of the 12th of September 1699. sent by the *Rocheſter*, approving his Zeal and Conduct in the whole Affair, inform'd the Earl of Bellomont of these Orders, and requir'd him that, pursuant thereto, he should put the Pirates and their Goods on board the *Rocheſter*.

The Lords of the Treasury, by their Letter of the 7th of the same Month, let him know they rely'd on his Care to take effectual Methods for securing the Treasure seiz'd with Kidd, and other Pirates, from Embezelment, and to send all safe hither.

The Earl of Bellomont, by other Letters dated the 8th of September 1699. made several Proposals to Mr. Secretary V. of Methods to be us'd for recovering from Bolton and others, Goods of great Value said to be taken out of the *Quedah-Merchans*, which they had possessed themselves of, or had disposed of, and were retir'd to *Curassoa* and other Places. In this Letter he gave an account of the great Numbers of Pirates in all Places, and that if vigorous and effectual Measures were not speedily taken, the Evil would grow incorrigible. And for the better preventing Frauds in embezzeling Goods taken with Pirates, he propos'd that all Governors in the Plantations might be oblig'd to account upon Oath for what they had possessed themselves of; and that none might think themselves hardly us'd, he propos'd that it might be begun upon himself.

E. of B's
Proposals
for recover-
ing Goods
taken out
of the Que-
dah.

The *Rocheſter* sail'd without loss of time, but came back again the latter end of November 1699. The Reason of her returning will best appear by the Relations of that Matter, as the same were transmitted to the Admiralty Office, since upon the return of that Ship the Clamour about Kidd first began.

The Roche-
ſter returns
to England,
and why.

By a Certificate dated the 6th of November, sign'd by all the Officers of the *Rocheſter*, it appear'd they proceeded as far as the Ship was able to bear the beating of the Sea, and then resolv'd to endeavour to return for England.

When they were return'd to *Plimouth*, by a like Certificate they affirm'd the same thing, and that their Resolution was taken merely for securing the Ship, and the Company's Lives. The Captain by his Letter to the Secretary of the Admiralty, says, they were got above 500 Leagues before they met with the Storms. And Orders being sent by the Admiralty to Mr. St. Lo, the Commissioner of the Navy at *Plimouth*, to examine into the Truth of this Matter, he certify'd the Lords of the Admiralty, that in pursuance of their Commands, he, with the assistance of the Officers of the Yard, had made a thorow Survey of the Ship, and (mentioning the several particular Defects) they unanimously found there was an absolute necessity of her coming back.

I have thus, as shortly as I can, given you a true and particular Account of all that pass'd in relation to Kidd's Business, from the beginning of it to the time it came to be spoken of in the H. of C. without the least disguising or concealing of any Fact. I doubt not but by this time you (as all others who have taken the pains to inform themselves of the Truth of the Story have done) will be ready to ask what is there Criminal, or worthy of blame in all this Proceeding, and how it is possible that so great a Noise should be made upon this Subject? The Result of the whole being no more than this; Several Persons of Honour and Worth engag'd in a great Expence, with design for a Publick Good, by the King's Encouragement, because his own Ships could not then be employ'd upon that Occasion, who was willing to gratify them, as far as by Law he might, out of what their own Vessel should

The Owners
not to be
charg'd
with Kidd's
Piracies.

should take from the Pirates. That the Captain proved a Villain, and thereby disappointed the Ends for which he was fitted out, and the Expectation his Owners might have of being reimburs'd what they had laid out.

That this Mistortune should be turned to a Fault, or that a Design fair and honest in it self, openly and regularly carry'd on, should change its Nature and become Criminal, or afford matter for Scandal or Reflection because of the unhappy Successe, is very hard, and that which other Men would not think reasonable in their own Cases.

Not the E.
India Com-
pany on the
account of
those by the
Mocha-
Merchant.

The *Mocha-Merchant* was freighted by the Old *East-India Company*, and turn'd Pirate, and has committed more Piracies than any five Ships have done; would they think it reasonable to be charg'd with all that Guilt, because they were Owners of the Ship? They would not certainly, how unreasonable soever some of them have conspir'd and labour'd to do the same Injustice to others. Would it be just for the Owners of the *Charles the Second*, to be responsible for the Piracies committed by *Every*? The Infection of Piracy is become very general. It is very lately that the Sailors in the Men of War which were appointed to carry the Governors of *Barbados* and *Bermudas*, entred into a Conspiracy to run away with the Ships and turn Pirates. Had not that been discover'd and prevented, would it have been just for the Admiralty to have been responsible for what such ill Men had done?

How this
Matter
caus'd so
much Cla-
mour.

I come now to the 2d Thing, which I am engag'd by promise at the beginning of this Letter to acquaint you with; I mean, how it could be brought about, That this Matter thus truly related, should give occasion for so much Discourse and Censure as pass'd current for some time. You will easily believe it could not be effected without great Malice and much Artifice. Had it been attempted the last Session (as it might have been, for the News of *Kidd's* Piracies came long before) there would have been some more tolerable colour for Calumny. *Kidd* was then at large, it was uncertain if he would ever have been taken, and improbable that it should fall to the share of the Earl of *Bellmont* to seize him. But after *Kidd* and his Men were secur'd by the Earl of *Bellmont* himself, after all his Effects put into publick hands, after such Zeal shewn in recovering what he had conceal'd and dispersed, and such large and particular Accounts given of his Proceedings, with such pressing Instances, that *Kidd* and other Pirates might be sent for in order to their Trial, together with their Goods, to be dispos'd of according to the King's Pleasure; most Men would have thought it had been impossible to have put the least sinister Construction upon this Design.

By reason of
some con-
siderable Per-
sons con-
cern'd in
fitting out
the Ship.

But there is nothing too hard for Malice, Faction and Interest. As reputable a Merchant as *Sir Edmund Harrison* is, nay, as considerable a Man as our Friend my Lord *Bellmont* is, if Men of yet greater consequence had not been concern'd in this Undertaking, it had never been taken notice of, or at least had never been blam'd. That which deserves praise in others, may become a Crime in Men of eminent Stations if the Season be proper for attempting their Ruin. If Men have been remarkably zealous for the support of a Government, if they have given proof of active Spirits, capable Heads and bold Hearts, and the fatal Period is come that such Persons may with safety be attempted; how easy is it for spiteful and ambitious Men, and false Patriots, to excite Envy and improve the least Pretences, and even disguise the best Things with false Colours, to make way for themselves and their own Designs? There are a sort of Men who had abus'd the Trade of half the World, to the Prejudice of the Publick, and almost of every individual Person, and introduc'd a Corruption into the Kingdom unknown in former Ages; who were ready to take any Occasion against Persons, who as they suppos'd had endeavour'd to put a stop to their Career.

There were Men who are said to have tasted the Sweet of holding Admiralty Courts in *India*, and under that Colour, for some Years together, committing notorious Piracies on the Ships of *England* as well as the *Indian* Princes, for which they had paid no little Sums to the Crown, as the Tenth of those pretended Prizes, and (as the World said) much greater for a Pardon, who perhaps were angry they had not the like Admiralty Courts again, and could not get all Goods taken with Pirates into their Possession, under pretence of securing them for Owners in *India*, as had been press'd for. Whoever were the Authors, Lies and Calumnies were spread abroad.

The thing was taken up by Surprize in the House, when a Matter of another nature was expected, and a Multitude of downright Lies were whisper'd to prepare Mens Minds. Some were told that great Men had procur'd a Commission for one Kidd (a notorious Pirate himself, and so represented by *E. I. C.*) to treat with Pirates, and pardon them. That by the Pretence of his Commission Kidd had seiz'd and plunder'd divers Merchants. Nay it was said that what he had done of that nature, was according to his Commission. That this Commission was given under the Great Seal of *England*, a thing never done before, such Commissions going always from the Admiralty, whose proper business it was. Others said that the Admiralty had never heard of such a Man as Kidd. It was given out that the Earl of *Bellomont* was sent Governor to *New-York*, on purpose to countenance Piracies, and that by these Practices the Merchants were so alarm'd, that Insurances had risen considerably. That the Grant was notoriously unlawful; that the sending the *Rochester* for Kidd was only a Pretence, and that she was the only ship that came back again, tho' great Numbers of Ships which went in her Company proceeded in their Voyage and got safe to *New-England*. Such Facts as these affirm'd with great Assurance, by Surprize, and before Persons wholly strangers to the thing, might easily make an Impression, till the true Story was known, and the Instruments and Papers appear'd; but then immediately every one of these Allegations was found to be false and groundless, and was wav'd with shame.

A Commission was pretended to be given for his doing.

The Account of Kidd's whole Affair, as it is represented in the preceding Narrative, is literally true. The *E. I. C.* had never represented Kidd to be a Pirate, nor made any Objection against him. They had never made any Representation relating to Pirates, till several Months after Kidd was gone to Sea, as appears above. The impudent Falshoods relating to the Commission are best confuted by the Commission itself, in which there is nothing objectionable in point of Law, or different from the constant form of Commissions of that kind, of which there have been great Numbers. There is a Power to fight with and seize Pirates, in order to Trial, but not a word of treating with or pardoning them. Every Violence that is committed on any Merchant, was directly contrary to the Words, as well as Design of his Commission, and expos'd him to be hang'd for it: and his Crime was aggravated and not lessen'd by his having a Commission. It is so far from being an Objection that his Commission was under the Great Seal, that it could be in no other manner. The Admiralty never did grant a Commission of that nature, unless they were first specially authoriz'd to do it under the Great Seal. This is plain by the Report of Sir *Charles Hedges*, upon a Reference of the Petition of the *E. I. Company* to him, whereby they desir'd the Lords of the Admiralty to empower their ships to take Pirates; that in order to enable the Lords of the Admiralty to do so, they must have a Commission under the Great Seal. But nothing does more clearly show the Baseness of this part of the Clamour, than that the Men who principally made it, were they, who, above all others, knew that Commissions in the same Terms were constantly granted under the Great Seal to almost all the Captains who went to the *East-Indies*, to all for whom it was ask'd. And what truth could be in that Affirmation that Kidd was unknown to the Admiralty, when he had a Commission from that Board as a Privateer?

No Commission under the Great Seal granted him.

The Insinuation that the Earl of *Bellomont* was sent Governor to *New-York* to countenance Kidd and other Piracies, was the most unworthy and groundless Calumny that ever was invented. His Behaviour since he went into those parts has been such as must silence all Pretences of that kind. He has done so much for the Suppression of Piracies, and has seiz'd so much of their Effects, that if the like were done in other Governments, we might soon hope to see a stop put to this growing Evil. It was he that took *Fed. Weatherly* and *Joseph Bradish*, and their Crews. It was he who at a very great expence procur'd *Francis Dole* and *James Gillam* to be taken. I might name many others. It is well known how generously he has rejected all those Temptations which others have not been proof against. Nay it can be prov'd upon occasion, that the Sharers and Accomplices with these Pirates were not without Solicitors and Agents here, well furnish'd with Money to assist the Clamour upon this occasion, and to move Heaven and Earth to get him recall'd, which would be the best News to the Pirates and unlawful Traders that ever came to the *West-Indies*.

Earl of Bellomont's being sent to N. York to countenance him, is groundless.

As to the pretence that Insurances rose by any thing done by Kidd, if it were true it would not be material, unless what he did had been pursuant to his Commission;

but

but the Story is not only false, but indeed wholly ridiculous. Had there been any Colour for it, why was it not objected the year before, why not till *Kidd* was taken, could do no more Mischief?

The Ro-
chester as
sent only
under a
Colour, un-
just.

As to the Tale of the *Rocheſter*, that her ſending out was a colluſive Practice, and her return a Contrivance, there cannot be a more notorious untruth. It does affect the Lords Juſtices, the Lords of the Treafury, and of the Admiralty, much more than the Perſons concern'd in the ſetting out of *Kidd's* Ship. But the Account given of the return of that Ship muſt ſatisfy every body; and it is not ſtrange at that ſeaſon of the year to have a Ship forc'd back from the Coaſt of *New-England*. If the Owners of the *Adventure-Gally* muſt be liable to answer for the Weather, as well as for the Actions of *Kidd*, they are in a happy Condition: I confeſs I am fully perſuaded, that if the *Rocheſter* had not been forc'd back, this Complaint had never been heard of; but when they were ſure *Kidd* could not be here quickly, it was found to be a proper Opportunity (for other Purpoſes than were own'd) to make this Outcry.

The Lords
concern'd
with the
Earl of Bello-
mont
brought into
much Trou-
ble thereby.

I have thus perform'd the ſecond part of my Promiſe, in ſetting down the ſeveral Stories which were induſtriouſly and dextrouſly ſpread to give a Countenance to their Malice, who had a mind to find a Fault where there was none, and to raiſe heats and throw dirt, in order the better to arrive at their ſecret Ends. And now give me leave to tell you my Thoughts plainly in this matter. As the Lords whom I have nam'd, were unhappily drawn into a great deal of Trouble by their being engag'd by the Earl of *Bellomont* in *Kidd's* Undertaking (for which I am very ſorry) ſo I am fully convinc'd that if it had not been for the ſake of thoſe very Lords, in hope to lay ſome Reproach upon them, our Friend the Earl of *Bellomont* had never been perſecuted at the rate he has been, and therefore they ought to pity rather than complain of one another. But to proceed, notwithstanding the noiſe which was made, the open and earneſt Deſires and Endeavours of the Perſons concern'd to have the Truth of the Fact appear, and the ready producing of every Paper relating to the whole Tranſaction, made it impracticable to impoſe long on the World. It was ſtrange to ſee how on a ſudden the Diſcourſe was chang'd. It was quickly ſaid, that it was not material to look into the Papers, which were requir'd before with ſo much Earneſtneſs. But how fair ſoever the matter of Fact might appear, how regular ſoever the Commiſſion was, tho the way of obtaining it was open and avow'd, and the Proceedings of the Government, and of the Owners, and of the Earl of *Bellomont* himſelf, exact and juſtifiable; yet ſtill it was ſaid the Grant was unlawful, at leaſt very inconvenient. And therefore it was reaſonable that ſhould be cenſur'd, and then there ſhould be an end of this matter. It was given out on the ſudden, and that by a Kinfman and pretended Friend of the Earl of *Bellomont* (but always famous for Sincerity) that nothing harſh was intended, and that if the Grant was not contrary to the Act about Privateers, there was nothing to be objected, even to the legality of it. Here was a ſecond inſtance of fair dealing. When Calumnies had fail'd to get a haſty Cenſure, then all the Slanders and Miſ-representations were pretended to be wav'd, and there remain'd no Objection but as to the mere Legality of the Letters Patents: and to render People ſecure, and put them upon a wrong ſcent, they were to underſtand that no Hardſhip was meant, tho the Grant ſhould prove not to be ſtrictly legal. As to that there was little doubt likewiſe, becauſe nothing could be objected to it in point of Law, but what was to be found in a Statute, which, upon looking into, they well knew muſt appear to have no one word in it concerning the Letters Patents, that Law relating wholly to Prize-Goods, not in the leaſt to the Goods of Pirates.

I am now to perform the third part of what I promis'd you at the beginning of this Letter, I mean, to tell you how at laſt this matter concluded; which muſt be by giving the beſt relation I can of what was ſaid for and againſt the Grant, and what was the Opinion of the Committee of the whole Houſe of Commons upon the matter. This I told you I was very ill qualify'd to do. But without more Excuses, as I am perſuaded I heard every thing that was ſaid on the Occaſion, I will endeavour to repeat the Subſtance of the whole as well as I can.

Whether
the Grant
to the E. of
Bellomont
was illegal.

You remember I told you how eaſily (as it was given out) this Debate was to end, how little Severity was meant, and to how ſhort an iſſue the Legality or Illegality of the Grant was reduc'd. You will wonder to hear that as ſoon as the Debate began, the 6th of December 1699. the Queſtion propos'd and inſiſted on ſhould be, That the Letters Patents granted to the Earl of *Bellomont* and others of Pirates Goods, were diſhonourable to the King, againſt the Law of Nations, contrary to the

the Laws and Statutes of this Realm, invasive of Property, and destructive of Trade and Commerce.

A heavier Charge could not be possibly fram'd, and Persons guilty to such a degree could not be punish'd too severely. The Arguments us'd to make good this Charge were:

1. That by Law the King could not grant the Goods of Pirates, at least not before Conviction. Arguments to make it so.
2. That the Grant was extravagant, for all Goods of Pirates taken with or by any Persons in any part of the World, were granted away.
3. Not only the Goods of the Pirates, but all Goods taken with them were granted; which was illegal, because, tho the Goods were taken by Pirates, the right Owners have still a Title to them, Piracy working no Change of Property.
4. The restraining Words in the Grant were said to be specious only, to colour the Injustice, which otherwise would have been too notorious; mere Words of form put into every Grant. Supposing the King to have Power to make a Grant of the Goods of Pirates, yet he could grant nothing else; and therefore the inserting those other Words could have no good meaning. If the King should grant the Mannor of one Subject to another, as far as in him lies, such a Grant would not be dur'd. The Words, *as far as in us lies*, hint at a Power of granting away the Subjects Goods, so that they might be said to be rather extensive than restrictive. The thing spoke it self, the begging of the Goods of the Pirates themselves would have been scarce worth while, and therefore no doubt the Aim was at the Merchants Goods.
5. By this Grant a great Hardship was put upon the Merchants whose Goods might be taken with the Pirates, for they had no where to go for Justice. They could not hope for it in the Chancery, the Lord Chancellor being interested; nor at the Board of Admiralty, where the Earl of Orford presided; nor from the King, all Access to him being by the Secretary, who was the Duke of Shrewsbury; nor in the Plantations, where the Earl of Bellomont was. So the only Judg, who the Pirates were, and what Goods were theirs, was Capt. Kidd himself.
6. There was a Suggestion in the Grant of the King's Knowledg that the Ship was fitted out at the Earl of Bellomont's, and the other Grantees Charge, and his approbation of the Design; which was a high Presumption in him that prepar'd the Grant, for the King was not to be suppos'd to know it; and it put a Hardship upon the Subject, for it was unmannerly to dispute the Fact after such an Affirmation.
7. The King is a Trustee for the People in guarding the Seas against Pirates, and in the Protection of Trade; and this is such a particular Trust, such an inherent prerogative, that he cannot assign it over or devolve it upon another, as was said to be done in this case.
8. These things were granted without Account, so that the Grantees might possess themselves of the whole without any Adjudication, and thereby the Goods might be imbezeld at Pleasure, and the Parties left without Remedy.
9. Several Persons were nam'd in the Grant, and their Goods granted away before Conviction, which was against Law and contrary to the Bill of Rights. The Example and Precedent might be of ill Consequence to innocent Persons, and subject them to be prosecuted for the sake of their Estates if such Grants might be before Conviction.

These were the Arguments which the Men who had a mind to object to this Grant, or rather to reflect on the Persons concern'd in it, made use of. I have conceal'd nothing which I heard from any body, how slight soever it seem'd to me, lest it might be an Error in my Judgment only that it appear'd to have no more Weight.

I will now proceed with the same Fidelity to relate to you what I heard by way of Answer to these Objections, and in defence of the Legality of the Grant. In this part as well as the former I pretend only to repeat what I heard, being incapable to add any thing of my own. Answers to those Arguments us'd as to the illegality.

1. The first Objection against the Legality of a Grant of the Goods of Pirates was said to be frivolous. A Pirate is *Hostis Humani Generis*; every Man by the Law of Nations, without Commission from any Prince, is impower'd to take and destroy him, and may hang him at the Yard-Arm; and thereby he gains a Property in the Goods of that Pirate, as the Law-Books affirm. King may grant the Goods of Pirates before Conviction.

But *Grotius*, *Loccenius*, and other Writers upon the Law of Nations, say it is more advisable in such a Case, to act by publick Authority, which, in case of Accidents, will vindicate the uprightness of the Intention from any sinister Construction. But then if a Person proceeds to seize Pirates by virtue of any Prince's Commission, the Property of what belongs to the Pirates will become vested in the Prince who grants the Commission, and is disposible in such manner as he pleases.

It is not disputed but the King may grant *Bona felonum*, such Grants have been made in all times. Many Lords of Mannors have them, and they have been solemnly adjudg'd to be good. A Grant of the Goods of Pirates can be no more liable to Objection, rather much less, because a Conviction upon Record must precede any Forfeiture for Felony, whereas by the very Act of Piracy the Forfeiture incurs. Grants of the Goods of Pirates have been very frequent.

There are few Letters Patents upon Record for the constituting an Admiral, wherein there is not any exprefs Grant of the Goods of Pirates. Several Instances were mention'd: That to the Lord *Russel*, 32 H. 8. To the Earl of *Warwick*, 3 Ed. 6. To the Lord *Clinton*, 4 Ed. 6. and 4 & 5 Ph. & M. To the Lord *Howard*, 27 Eliz. To the Marq. of *Buckingham*, 16 Jac. 1. To the D. of *York*, 12 Car. 2. And no Objection was ever made to the lawfulness of any of these Grants as to this point.

This Grant only of Pirates Goods taken by the Adventure-Galley. 2. As to the second Objection grounded on the Universality of this Grant, as extending to all Goods of Pirates taken in any part of the World;—The Answer was, that it was a false representation of the Grant. A general Grant of Pirates Goods had been good, but this was only of the Goods of such Pirates as should be taken by the *Adventure Galley*. The Recompence went no farther than the Consideration. The ground of the Grant was the expence of fitting out the Galley, and the hazard of those employ'd in the Service; and the Grant is of no more than what that Ship and these Men should take.

Not of all that was taken with the Pirates. 3. The third was urg'd as an Objection of much weight. The Grant was said to be not only of the Goods of Pirates, but of *Bona Deprædata*, of all Goods taken by the Pirates; which was what the King had no right to grant, for the Property continued in the Owners, notwithstanding the Piratical taking. This was agreed to be an Objection to the Validity of the Grant, so far at least, if those words, or other words of the like import were to have been found in it; for undoubtedly the Owners have a right to challenge their Goods, and prove their Property: but the Fact was utterly denied. The Grant extended to no such thing.

Not unlawful for a King to grant what he has a Right by Law to grant. The Grant was only of such Ships and Goods as should be taken together with the Pirates by the *Adventure Galley*, so far as the same might belong to the King, or be in his Power by Law to dispose as belonging to his Crown, or as Perquisites of the Admiralty. This is far from being a general Grant of all taken with the Pirates, unless it should be admitted that the King has a Right to grant all. If any of the Goods did not belong to the King, if he had not by Law a right to dispose of them, they did not pass, nor could ever be intended to pass by the words of this Grant. To one of so vulgar an understanding as mine, nothing could appear more absurd than to assert, that it was unlawful for the King to grant what he had a right to grant by Law, or that a Grant in such words could pass what he had not a Right by Law to grant. The true way of reasoning was just contrary, that if the Grant had been in general words, yet it would pass only what the King could give by Law, and would be void as to the rest.

To avoid the absurdity of maintaining so manifest a contradiction, it was pretended that the words in this Grant, which seem'd restrictive, were only words of Form, put into all Letters Patents for shew, but imported nothing. This did not well agree with what some had objected, that no such words had ever been put into any Grant before. But to avoid the pretence wholly, they were call'd upon either to show some Authority in Law where these, or such like plain words of Qualification and Restraint, had been adjudg'd void and insignificant, or else to prove in general, that all Words of restriction in the King's Grant were void; to assert which would be as great a proof of Ignorance as Malice.

New Charter of the Old East-India Company in general Terms. But because a very plain thing may be sometimes made yet plainer by an instance, a very remarkable one was mention'd. In the last new Charter purchased by the Old *East-India Company*, all the Powers and Privileges contain'd in their former Charters were regranted to them in general words; many of which being contrary to Law, the new Charter therefore stood justly liable to exception *prima facie*, because

because all those extravagant and unlawful Clauses, of which such great Complaints had been made, and by Colour of which so many unjustifiable things had been done, were reviv'd and renew'd. And this Exception had been urg'd with great warmth, in the same place where the Debate then was, upon the E. of Bellomont's Grant, by one who appear'd as angry as any Man with this latter Grant. But as soon as the learned Person, concern'd in the passing that Charter, had shewn that the general words were restrain'd with that safe Clause, *as far as the same might by Law be granted*, the Objectors and every body else acquiesc'd.

As to what was said that these words were rather extensive than restrictive, and seem'd to imply a Power in the King to grant what he could not, because he could not dispose of the Goods of the Pirates themselves, and therefore all that was beyond that was wrong; the matter was thus explain'd.

1. The King was intitul'd to the proper Goods of the Pirates, and might grant them absolutely.

2. He was intitul'd to all such Goods as were taken by Persons acting under his Commission in the possession of Pirates, where the Owners could not be known, or the Property could not be made out.

3. The King was also intitul'd to a reasonable Contribution from the Owners of Goods, recover'd from Pirates by virtue of his Commission, after proof of their Property, towards the Charges of the Expedition, which is to be fix'd and determin'd by the proper Judge. This is agreed by *Grotius* and other Writers to be the Law of Nations.

And fourthly, by the Law of the Sea, if Pirates take a Ship, tho by force and unlawfully, and proceed to commit Piracies in that Ship, and be afterwards subjoin'd and seiz'd by Persons acting by the King's Commissions, that Ship is forfeited and belongs to the King.

None of these Positions could be denied to be Law, so that it was manifest the King had several Rights and Interests, which he might claim, and might grant: and intending to grant them all, the most earnest in objecting to the Grant were challeng'd to find out more proper or more cautious and qualify'd Expressions than those which Mr. Solicitor General had made use of in this Grant.

5. But it was objected that by this Grant a Hardship might befall Merchants, who might be put to contest with Great Men where they had no equal Court to apply to? The Answer to this was, that it was, like the other Pretences, a popular Trick fit to make a Noise with, and to be us'd in order to impose upon the Ignorant, but could have no weight when it was consider'd. Suppose no Grant had been made, was it less hard for the Merchants to contend with the King than with Subjects of what sort soever? The Relief for the Owners of Goods taken by Pirates was the same to all Purposes, whether there was a Grant or not. The Judge of the Admiralty had the known Jurisdiction. The Parties concern'd had no occasion to go to the Chancery, or the Secretary, to the Commissioners of the Admiralty, or the Plantations, none of which had any Jurisdiction in the Case, nor could relieve or oppress them; but they all would know their way to Doctors Commons. The Judge there was to secure and order the Persons of the Pirates till their Trial, and he had the Custody of the Ships and Goods till the Right was determin'd. This the Judge himself very handsomely declar'd, and shew'd not only the lawfulness but the usefulness and necessity of the Expedition, and of all the steps taken in relation to it. He shew'd that if the Persons suppos'd to be guilty of Piracy were acquitted, every thing was to be restor'd; if they were found guilty, he was judicially to determine what Goods were properly theirs: and if a doubt remain'd as to any part, he was to use the known legal methods in respect to Persons who had a right to put in their Claims, and was bound to do them justice. In the whole Proceeding the Laws of Nations were to be pursu'd. And when at last the regular Methods were gone thro, and no Objection remain'd, it was said, that the Judge might require Security for making Satisfaction to Persons who might be concern'd, in case a Property should be afterwards prov'd. It was very well observ'd of what a strange nature this Objection was, that Merchants might be put to Trouble to recover their Goods, when no notice was taken that it concern'd only such Goods as the Merchants had utterly lost before, such Goods as they had been spoil'd of by Pirates, and by Pirates against whom no force could be sent, but under the Incouragement of the Grant which was in question. So that be sure there was not a Merchant in the World but must think his Case well mended to have his Goods retaken from Pirates, and himself in a

condition to go to a regular Court for his relief and recovery of Goods, which otherwise he was irrecoverably depriv'd of.

6. The fifth Objection made to the Grant was because of the Suggestion in it, that all the precedent things were done with the King's Knowledge and Approbation; which was said to be a high Presumption, because the King is not by Law suppos'd to know these things; and by this Suggestion a difficulty is put upon the Subject, in whom it must appear unmannerly and disrespectful, afterwards to contradict such a Fact. The answer was, that this Objection contradicted in itself; for if the Law presumd that the King could not know the Fact, in such a Case it could be no want of respect in any Man, to contradict an Allegation of that nature. But that Notion was said to be without any Foundation. That infinite Grants of our Kings are founded on the Suggestion of the Parties, and that Suggestion made the very consideration of the Grant. And the King by Law is so far preserv'd to take notice of it, that if it be untrue, it is at the Peril of the Party; the King is deceiv'd, and the Grant made upon such an untrue Suggestion is void. So that it was for the King's advantage to have the Fact infer'd, because, if it was untrue the Grant might be avoided, and the Proof was incumbent on the Grantees in such a Case.

The King
may dele-
gate some
of his
Powers.

7. As to the trifling Objection, that the King was a Trustee for the People in guarding the Seas, and protecting Trade, which Trust he could not delegate or assign to another: it was said there was no doubt but the Office of a King is to protect his People and their Trade, as it is theirs to obey him and to enable him to defend them. But how this Notion was applicable to the present occasion was not easy to imagine. Every Man had a right to make War against Pirates without any Commission, and therefore the Care of guarding and protecting Trade against them, was so far from being an incommunicable Trust to god in the Prince, that every Man, who had enough of Courage or publick Spirit to undertake it, had a natural right to free Trade from those Spoilers of Mankind. So that, as the Civilians say, it was Prudence, not Necessity, which induc'd Men at any time to take Commissions for seizing Pirates, the better to justify the uprightness of their Intentions, in case of a malicious Prosecution like the present, or any unhappy Accident.

Not to go
in quest of
them, when
they
are
off.

But suppose the Trust of destroying Pirates, and protecting Trade, to be lodg'd in the King, was he necessarily to execute that Trust in Person? Was he to go in search of Pirates, and to find out *Tro and Wata*, and the rest of that cursed Tribe? The Kingly Office obliges him to defend his People from Enemies, and the Power of making War is indeed his incommunicable Prerogative: but will any body say he must necessarily do it himself, and that if he grants Commissions to his Subjects to do it for him, he transfers his Trust, and if he sends out his Generals, he devolves his incommunicable Prerogative to others?

Privateers
allow'd in
time of
War.

To bring it nearer to the present Case; it was urg'd, that it was allow'd amongst all Princes to grant Commissions to Privateers in time of War, empowering them to fight with, and take Enemies, their Ships and Goods, and to hold the same to their own use, or such Proportions thereof, as the Prince thinks fit to allow (the Terms being often varied according to the Circumstances of the War, and the Encouragements which the Occasion requires) and yet no Objection can be fancy'd against the Commission to *Kidd*, and the Grant to the E. of *Bellmont*, which is not altogether as strong against every Commission that ever was granted to a Privateer.

Trust of
making
War trans-
fer'd to par-
ticular
Subjects.

The incommunicable Trust of making War is transfer'd to particular Subjects, the King's right to the Spoils is given to them: They are made Judges who are Enemies, and are intrusted to seize Ships and their Cargoes before Adjudication, whereby perhaps they may give trouble to Friends and Allies, and may possess themselves of the Ships of Merchants in Amity with the King, or at least of their Goods which may be on board the Ships of Enemies; and so Merchants, Friends, may be put to Charge to make out their Property, and may have great Men to contest with, for very Great Men have taken Commissions of Privateers (most of the Great Men in England did so in *Q. Elizabeth's* Reign.) It appear'd that the same Objections, in all their Force, lay against Commissions to Privateers, which are confessedly lawful and justify'd by the Custom of Nations, as did against the Commission and Grant in Question. It had been always taken for a full Answer to these imaginary difficulties, in the Case of Privateers, that after the Capture there was a proper Court to be apply'd to, before any actual Property could be gain'd. The Judg of the Admiralty must determine, whether the Ship belong'd to an

Enemy,

emy, and whether all, or what part of the Cargo did so: and if any of the Goods should be prov'd to belong to a Subject or Merchant in amity, they must be adjudged to him; and if no such Property be prov'd, the Goods will be adjudged to the Captor, as being *prima facie* by Law presum'd to belong to those whose possession they were taken: And therefore since the supposed Inconveniences are the same in both Cases, and justify'd by the same Reasons; since indeed the Cases are the same, for the Pirate is an Enemy; if there be any difference, the declared Enemy in time of War has the Advantage, for he is so by right, and for a time, but a Pirate is a perpetual Enemy to every King and State, nay to every Man. Some pains was taken to make a difference in the Cases, because the Commissions of Privateers issued from the Admiralty, whereas *Kidd's* Commission pass'd the Great Seal. But tho no Consequence could be drawn from this to make good the Objection, as to the suppos'd Inconveniences which were insisted on, yet this also was made out to be founded on a Mistake in fact.

It was confess'd, that of later Times, for the King's Ease, the Lord Admiral, Commissioners of the Admiralty, at the beginning of a War, have been usually invested with a general Authority under the Great Seal, to grant Commissions to Privateers upon such Terms as are express'd in the Letters Patents, and by virtue of that Great Seal it is they do it. Letters of Marque in time of Peace, have always been granted under the Great Seal. And heretofore in time of War, Commissions to Privateers never pass'd otherwise. Many hundreds of such Commissions are extant among the Records in the Tower, and at the Post Office. It was not indeed contradicted at last, but that the Commissioning-Men to act as Privateers to take Enemies, or commissioning them to take Pirates, was not originally of Admiralty Jurisdiction; so they could not do it in any Case without some previous Authority under the Great Seal.

8. It was further observ'd, that what had been said upon this Occasion was an Answer to another Objection, that the Ships and Goods being by the Letters Patents granted without account, the Grantees were not under an Obligation to give the Judgment of any Court in the Case, and so the same might be detain'd or embezell'd at pleasure, and the rightful Owner would be without Remedy, not knowing where to find his Goods. It was shew'd plainly, that an Adjudication is absolutely necessary for the Grantees Interest, without which they could have no certain Property or Benefit of their Grant. The Pirates must be brought to Justice, and condemned as such, if their Persons were forth-coming; otherwise their Piracies must be prov'd, and the Goods must be afterwards adjudged to be theirs, or nothing was gain'd by the Grantees.

But this Objection was shewn to be yet more frivolous, by observing that *Kidd*, by his Commission, was not only oblig'd to bring the Pirates to Justice, but to keep an exact Inventory of all he should take with them; from which the subsequent Grant to the Earl of *Belmont*, and others, did in no sort discharge him, but he was still bound at his peril to perform it.

Besides, the Grantees themselves were under no less strict an Obligation of accounting than *Kidd* was. It was true, as was objected, the Goods were granted to them in the Letters Patents to hold without account (which words import no more to hold to their own use, and not to the King's, and therefore it is well known they are inserted in all Letters Patents where any personal Things are granted by the Crown) But by the Deed of Covenants, executed by the Grantees in the Treasury, they are expressly obliged to account upon Oath, and to answer a full tenth Part, clear of all Charges, to the King. To this purpose the Letters Patents, and this Deed of Covenants were said to make but one Conveyance, and the Grantees were as much oblig'd to account, as if the words of the Indenture had been inserted in the Letters Patents. So that the Grantees were plainly to account for the whole: tho indeed there was a notable Objection made, that they were only oblig'd to account for a tenth Part, as if it were possible in any case to make up an Account of a Tenth, or any certain Part, without accounting for the whole.

9. I call to mind no other Objection which I heard to these Letters Patents, but that upon which at last a great weight seem'd to be laid, and which perhaps will surprize you more than all the rest; I mean, that four Pirates were mention'd in the Letters Patents by name, and their Goods granted before Conviction, which

was

was said to be a very great Hardship to the poor Men, not warrantable by Law, and indeed contrary to one of the Articles in the Bill of Rights.

As to this, some said it was a Rule of Law in many Cases, that the notoriety of the Fact supply'd for other Formalities. It went further in the Duke of *Monmouth's* Case: There it was taken as a sufficient ground for making a new Law and was all the Parliament had to say, to justify it self for passing an Act of Attainder against him. But as a farther Answer to this Objection, it was said, the Bill of Rights did not extend in any manner to this Case, the whole Act related only to the securing to the Subject the benefit of the Common Law of *England* and had no relation to Cases which were of the consuance of the Civil Law, and that of Pirates was acknowledg'd to be. The words shew'd the Clause could relate only to such Forfeitures as arose by the Conviction, as Common Law Forfeitures do, and not to such Offences where the Fact it self makes the Forfeiture, as it does by the Law of Nations in case of Piracy: for tho the Pirate escape, or is slain in Fight, or dies before his Trial, yet he has forfeited his Goods. It naturally follows, that since by committing Piracy, the Offender had lost his right in the Goods; it was no wrong to him that they were granted away. Whereas the particular Person be the most notorious Felon, and ever so often guilty of the Crime, yet his Goods continue his own, till the Conviction upon Record gives the King a Title, and till that Title the King has nothing in him to grant.

This was taken to be a good Answer to the Objection in point of Law; nor could there be any possible Prejudice by the Grant to the Persons charg'd with Piracy, or to any claiming under them; for unless full Proof were made of the Guilt, the Grantees could have no benefit by the Letters Patents. If the Proof were not to the Satisfaction of the Court, the Goods as well as the Person remain'd safe.

But the truth is, the Debate on this Head was soon over. The making of the Objection gave such a ridiculous view of the whole Design, and did not only expose to every Eye the transcendent Malice of those who rais'd this Clamour, but bore so little proportion to the black Terms of the Vote, that they grew ashamed of pressing it farther: And thought it impossible from such an Argument to make good so tragical a Charge, as that the Grant was dishonourable to the King, against the Law of Nations, contrary to the Laws and Statutes of this Realm, invasive of Property, and destructive of Trade and Commerce. And so the Question pass'd in the Negative by a very great Majority, and I believe to the satisfaction of every impartial Man in or out of the House.

This was the end of this Matter, which, as you very truly say, made a strange noise, and was represented as a most dangerous Combination of some Great Men to turn Pirates (words often repeated by a foul Mouth, which does honour in the end to any Cause or Persons its Master sets himself to oppose) and prove at last to end in a wretched Pretence, that something in the Grant was too severe and harsh against four infamous old notorious Offenders, whom hundreds of Witnesses, in manner the whole Province of *New-York*, could have given Testimony against.

The Grant properly more destructive of Piracy than Trade.

Such a Grant might much more properly have been said to have been destructive of Piracy, than destructive of Trade and Commerce; and yet this was ground enough to treat the Solicitor General as a Criminal, to threaten the Board of Treasury with impeachments for letting the Grant pass, and to arraign and expose, not only the Grantees, but other Persons of Honour and unspotted Reputation, who were at the Charge of the Undertaking, at his Majesty's own Desire and Encouragement, as Pirates and Robbers:

I cannot help concluding my tedious Letter with asking you a Question; Whether you do not see plainly that at this time the sole unpardonable Offence is to have appear'd very zealous for, and very useful to *K. William*? and whether it be not growing as difficult for such Men to be safe or innocent, as it is for those who have acted the contrary part to be brought to Justice?

I am sure you will be much concern'd to know how particular Men behav'd themselves upon this Occasion; but in that I must desire to be excus'd. Mr. *S. G.* (who was indeed principally concern'd) behav'd himself like an honest and able Man. Mr. *C.* in the Opinion of every body out-bid himself, which is commendation enough for one who does always so well. The Earl of *Bellmont's* old fellow

Servant

Servant shew'd all the Venom of his ulcerated Heart: But his Kinsman (of whom you have too long had a good Opinion) was his most malicious and most mischievous Enemy; the very forger as well as disperse of most of the Lies which were spread abroad upon the Occasion. I got a Friend of yours and the Earl of *Bellomont's*, to charge him very close with this Matter; and his Answer was, he meant no hurt to the Earl of *Bellomont*, but his design was to reach others. I believe it was so principally; but he that will ruin his Friend rather than not hurt an Enemy, he that will sacrifice Truth and Justice to his Ambition and Revenge, and prostitute the Name of Patriot to get an opportunity of selling his Country, shall never continue in my good Opinion, nor I believe in yours.

I am yours, &c.

London, 24 April, 1701.

S I R,

I Own my Mistake in concluding the long Letter I sent you last Year, with saying, that the Vote of the Committee of the whole House of the Sixth of December 1699. which passed in the Negative, after so very solemn a Debate, had put an end to *Kidd's* Business, and to all the Clamours upon that Subject. I really thought so at that time; but the Attempt made since to raise matter of Reflection upon the Persons concern'd in that Undertaking, have been as malicious and violent as ever, but with altogether as little success.

The Earl of *Bellomont*, for whose Reputation you shew so high a Concern, remains untouch'd in his Honour, after as sharp and spiteful an Inquisition as ever was made into any Action. It is certainly an infinite Affliction to him, to reflect on the trouble which divers Noble and Worthy Persons (for whom he always had, and very justly, the highest value) have been put to on this unhappy Occasion; but he has the satisfaction that even they can impute nothing to him, but that he was a little too credulous in believing *Levingston* that *Kidd* was an honest Man, and too positive in representing him as such.

But tho I agree I was mistaken in believing there was an end of *Kidd's* Affair, and that even they who had press'd it hardest, would have been glad to have never heard more of it; yet I cannot so readily agree to your Inference, that because I then misled you (as you call it) I am therefore bound to give you an Account of all that has pass'd since that time. But you will have it so, and the Honour of our absent Friend is as much concern'd that the Truth of what happen'd this Year, as well as what happen'd the last Session, should be known; and therefore I will endeavour to give you satisfaction, tho you know I am not so well qualify'd to give you the relation of what pass'd lately in a certain place, as I was the Year before.

In a few days after I had sent the former Letter to you, I was inform'd that some Gentlemen expressing themselves much pleas'd, that so unreasonable a Charge had receiv'd so just a Determination, that honest Cousin of the Earl of *Bellomont* (whom I mention'd in my Letter) being present, said, it would be found a great Error to think that Matter was determin'd, and that the Persons concern'd might think it worth while to give a great deal of Money to hear no more of it. I confess, the Character of the Man gave me some apprehension, as soon as I heard this Story; for such sort of malicious Threats are the only words of his, which his Acquaintance or his own Family give any credit to. Yet having heard nothing relating to this Subject for above two Months afterwards, I rested under my former Opinion, that all was over.

But several Attempts against a Noble Person, then in a great Employment, having fail'd, and his Persecutors thinking it absolutely necessary for their Purpose, that some Charge or other against him should be kept depending at the end of the Session, if they could not succeed against him while it depended; on the 16th of March 1699. on a sudden, as if it had been a new thing (tho the King had been graciously pleas'd to order it as soon as ever the *Rocheester* was forc'd back) the House was inform'd that Capt. *Kidd* was sent for home from the *West-Indies*.

There-

Thereupon an Address was immediately agreed to, That he might not be try'd, discharg'd or pardon'd till the next Session of Parliament, and that the Earl of Bellomont might transmit over all Commissions, Instructions and other Papers relating to him. It was whisper'd what great things would appear when those Papers were produc'd. It was insinuated, that there was another Commission not yet discover'd; some said there were secret Instructions of a dangerous Nature that would appear, and others, that the Private Articles between the Earl of Bellomont and Kidd would shew the bottom of the Design. How far such an Address could by Law be comply'd with, is not for me to determine; but it seems not very consistent with the *Habeas Corpus Act*, which ought to be very sacred, and which is unrepeal'd, unless a Vote can do it. However on the 25th of March they were inform'd that their Address was granted.

Kidd
brought to
England.

But this Objection might have been easily avoided, for on the 8th of April following, the Secretary acquainted the House, that the King had receiv'd an Account that Kidd was arriv'd in the Isle of Lundy, and that the Ship in which he came was bound for the Downs, whither his Majesty had sent a Yacht in order to the bringing of him up; and the Marshal of the Admiralty was appointed to go and take him into custody. It was natural to believe, that such an Information must necessarily have produc'd another Address, that Kidd might be brought directly to the Bar of the House in order to his Examination, to the end all possibility of tampering with him might be avoided, and the Truth appear immediately. It was certainly thought a thing of great moment, otherwise so much time would not have been spent about it, to the interruption of the Publick Business. It was thought necessary to have it under a Parliamentary Examination, or else such an extraordinary Address had not been made to keep a Man so long in custody.

This was reasoning which Men would naturally fall into. But on the contrary, no notice at all was taken of this Account of Kidd's being come: It was some Mens meaning not to have the Matter made plain; it was a mistake to think there was a desire to have the Truth out. While it remain'd imperfectly examin'd, there was room for Reflections and Surmizes, and perhaps nine or ten months Imprisonment might prepare a profligate Man, when he understood his Life depended on it, to say that which he might be unprepared for on a sudden, while he was a Stranger, and knew not how things went in England, and what sort of Story must save him.

Whatever was the reason, no Address or Vote was made relating to Kidd, but the Parliament rose the 11th of April following, and Kidd was brought to London on the day after.

Examin'd
by the Com-
missioners
of the Ad-
miralty.

As soon as the Parliament was up, the Commissioners of the Admiralty took upon themselves the Examination of Kidd and his Crew. This was the more observ'd, because it was then generally said, the King had order'd the whole Matter to be examin'd at the Council-Board in his own Presence: That seem'd to have been the most proper place. At another time few Persons would have presum'd to meddle with an Enquiry wherein so many Privy Counsellors had been nam'd, they could have avoided it. But some words drop'd in the late House of Commons by one or two of the managers of the Clamour, were, it seems, thought a sufficient Warrant for the Commissioners of the Admiralty—who (as I have heard) are no Courtiers and have no Judicial Authority, to take upon them this Examination. They who knew some of the Persons who compos'd that Body were very positive that the reason of their undertaking that Affair, did not proceed from any partiality to favour the Earl of Bellomont, or those concern'd with him.

Who under-
took to ex-
amine
the Let-
ters from
the E. of B.
to the Se-
cretaries of
State.

And that the Admiralty alone might not out-do themselves upon the Occasion the Earl of Bellomont having by the Ship in which Kidd was brought, sent to the Secretaries of State, Packets fill'd with many Letters directed to themselves and other Persons of Honour and Quality, as well upon the Affairs of the Province where he was Governor, as of his own and their private Concerns; they were pleas'd, out of very extraordinary Zeal for the discovery of Truth, to bring those Letters to the Admiralty—to be perus'd, in order to assist their Examination. And they as frankly took upon them to open and inspect them. It is true, they were pleas'd to summon the Persons to whom the Letters were directed, to be present at the opening of them; but if it appear'd to be necessary for them to take their Letters into their own Possession, it was to be on an Engagement that they should be forth-coming, for which purpose they were to be mark'd.

This was then thought a thing of a very extraordinary Nature. The Oath of Secrecy, which some Officers take, is very strict. Letters sent from Publick Persons to Sec—s of St— are the King's Letters and not theirs, and may contain Matters of Importance which none but the King ought to know, and till they are open'd it cannot be certain what they do contain. Nay, it has appear'd since, that these Letters did contain Matters relating to the Plantations, which ought not to have been divulged. 'Tis true, if there was a previous Order for thus acting, from the Person who only can dispense with the Secrecy, this Objection is answer'd; but it was positively aver'd, that Person had been pleas'd to declare he never heard of it till it was done.

I shall not enter upon a Discourse what Power Sec—s of St— may have over private Persons Letters, which are sent in Boxes or Covers directed to them. If the Persons stand charg'd with Matters wherein the Safety of the King's Person or Government may be concern'd; nay, if there be but a reasonable ground for suspicion, that any Light of that nature might be gain'd, good Men would make large Allowances for Sec—s looking into Letters themselves, tho it would be hard to delegate that Privilege to others. But when nothing of that kind was pretended, when there was no other ground to suspect the Man or the Letters, unless you will suppose them to be infected, because they came in the same Ship which brought Kidd, this sure is of dangerous Example.

But add to this, that some of these Letters were directed to Privy-Counsellors, to Ministers of State, who stood upon a Level with the Sec—s themselves, and then you cannot but stand amaz'd at the Proceedings, at the Indignity, I was almost ready to say Insolence offer'd; and much more that it was not resent'd in the highest manner: Forgive me if I say they deserv'd to be so us'd who could bear it so tamely. You see I cannot yet write of this Matter without being somewhat transported; but I confess at the same time I was in a rage upon the account of my Lord Bellomont, not at all with relation to the Business of Kidd: I knew there was nothing in that which would not bear the Light; I knew the more it appear'd, the better it must be for every one concern'd, for it was artificially hindred from a thorow Examination. But I was fully acquainted with the Earl of Bellomont's Character, I knew he had no reserve in his way of writing to his Friends, and there were Letters to most of those he reckon'd his Friends in England. I was sure he look'd upon one of those who expos'd his Letters as his old sure and intimate Friend, to whom he might open his Heart as to every thing; and the time was very Critical, and every Advantage would be certainly taken. I knew he was sensible of the Usage he had met with where he was, and of the Countenance to that Usage given elsewhere, and the Ground upon which it was given. I knew he thought the Business of England was not faithfully done, by some who concern'd themselves in the Matters of the Plantations. I fear'd what he might say in confidence to Persons as particular Friends, or might think himself bound in Duty to say to others in Publick Stations, calling Things and Men by their true Names, might be improper to be expos'd, and turn infinitely to his Prejudice. But thus he, and all to whom he wrote, were us'd. And the Letters were reserv'd to be yet more publickly expos'd in the House of Commons at their next meeting. But after all it prov'd for his Justification and for his Honour, that this was done: allowing for some frank and unwary Expressions (which every candid Man would judge favourably of in Letters between Friends) there was nothing found in all the Papers but what became a good Subject, a good Governour, and an honest Gentleman.

The B—d thought fit to require the Judge of the Admiralty to attend at the Examination of Kidd and his Crew, which was upon the 14th of April; and indeed he had the proper Jurisdiction of examining in the Case of Piracy. But when such Questions as were thought proper in respect to the Piracy, had been ask'd of Kidd and the other Prisoners (if the current Report at that time was true) the Judge was order'd to retire, because the Commissioners were proceeding to examine as to Matters of State.

They certainly then ceased to be doing the proper Business of an Admiralty-Board. By what Commission they acted they best knew, but they proceeded to examine Kidd farther as they thought fit, and then seal'd up the Examinations to be preserv'd secret for the House of Commons.

I am not skilful enough to determine whether this was a Method agreeable to Law; but if it be, the Law does certainly put Men under all the Hardships imaginable. The Examinations are taken in the absence of the Persons concern'd; taken by no sworn Officers; seal'd up to be kept private, not for a short time, but concern'd.

but indefinitely, till the meeting of a Parliament. In all this time the Parties concern'd are in the dark, they know not what Lies a profligate Villain in such Circumstances may have told. He might die or escape before the next Parliament, and the Parties might in the Interval lose all the proper Opportunities of justifying themselves, and clearing their Innocence; and the foulest and the falsest things said might have serv'd for Matter of Reflection; which was all that Men, who did more than begin to despair of Evidence, could hope for.

When this was over, *Kidd* was sent to *Newgate*, and was order'd to be kept a close Prisoner; whether that Order was observ'd to one sort of Men only, I can affirm nothing of my own Knowledg. And therefore I will not rely so far on Reports, as to name who were said to be admitted to discourse him.

Thus things rested for near a Year, when Matters being ripen'd for a new Storm, not so much directed against our Friend as against other Persons whom I need not name; a certain Gentleman (well known for every Quality which must disgrace that Name) began to renew his noise, and to repeat his Phrase of the Corporation of Pirates, and to talk of a Legacy left by the late House of Commons. And thereupon about the beginning of *March 1700*. the Commissioners of the Admiralty were order'd to produce all the *Examinations, Instructions, and also all other Papers transmitted from the Earl of Bellomont relating to Captain Kidd*, which was immediately comply'd with; and in Company with these, all the Letters were produc'd, and after all possible Methods taken, proper to make this Matter thoroughly understood and discover the bottom of every thing, and strike a Terror into some, and beget a Suspicion in others, by multiplying of Orders, by giving a general leave to inspect the Papers, by ordering all that related to *Kidd* to be collected out of them, and the Papers themselves to be sorted and distinguish'd; by examining *Kidd* several times in Person, and confronting him with his private Examinations, taken as is mention'd before; by reading as many of his Letters and of the Earl of *Bellomont's* as were most likely to answer the Purpose; by examining *Sir Edmund Harrison*, by reading the Sailing Orders, the Original Articles between the Earl of *Bellomont* and *Levingston* and *Kidd*, the Letters of *Marque* to *Kidd* from the Board of Admiralty, his Commission under the Great Seal of England, the Grant under the Great Seal to the Earl of *Bellomont* and others, as also the Indentures of Covenants between his Majesty and the Grantees; on *Friday* the 28 of *March 1700* after a very long Debate, upon the Question that a *Grant* pass'd under the Great Seal of England to *Richard Earl of Bellomont*, and others, of all the Goods, Merchandizes, Treasure and other things therein granted, which should be taken by *Kidd* from *Tho. Too*, *John Ireland*, and others, in the said *Grant* mention'd as Pirates before their Convictions is illegal, and void, it pass'd in the Negative.

I am sure this general Account will not satisfy, and that you expect I should be more particular, as to any Matters which appear'd upon this Second severe Scrutiny, or any Arguments which were us'd in the Debate now, beyond what was urg'd the last Year. To shew you therefore how willing I am to gratify you in every thing, I will begin with telling you, that which pleas'd me the most; That after every Paper look'd into, and *Kidd* himself examin'd over and over, nothing indired nothing dishonourable, nothing which in the Opinion of any reasonable Man did in the least reflect upon our Friend the Earl of *Bellomont*, or any body else except *Kidd*, appear'd. That was what I was chiefly concern'd for. It would have gone deep with me if the Earl of *Bellomont* had engag'd himself, or drawn his Friend into any dishonourable thing. I was much less in pain as to the strict matter of Law if all the deep-dy'd Lawyers of the late Reigns, who were engag'd heartily in the Cause, could with their Chicanery have found out some little Slip in *M. S. G's* drawing of an Instrument, when it was demonstrable nothing was intended but the suppressing of Piracy, and a complying with what his Majesty thought for the good of his Subjects, I should have been but little concern'd. But even that totally fail'd.

It appear'd by *Kidd's* Examination before the Adm—y, and afterwards in the H. that he had never seen the Duke of *Shrewsbury* or the Lord *Sommers*, or had heard more of them than that the Earl of *Bellomont* said they were two of his Owners: That the same Earl had introduc'd him to the Earl of *Orford*, and the Colonel *Hawitson* had carry'd him to the Earl of *Romney*; which was all he knew of them.

That the Earl of *Bellomont* and *Sir Edmund Harrison* were the Persons who manag'd the Business. That he had no manner of Instructions from the Owners

or any of them, Publick or Private, except Sailing Orders from the Earl of Bellomont, whereby he was directed to pursue his Commission; which Orders appear'd.

That the Articles between him and the Earl of Bellomont were also before the House.

In his Examination before the Adm — y he was ask'd in plain Words, 'If he could say any thing in relation to the Earl of Bellomont, Lord Romney, Duke of Shrewsbury, Lord Chancellor, or Lord Orford by name, or any other of the Owners in relation to the Expedition, or any other matter, touching any private Directions, Articles or Instructions given to him by word of Mouth or otherwise: and being bid to recollect himself well, he said, He had nothing more to say in relation to the Owners or any of them, than what he had before declar'd. And at all his subsequent Examinations he affirm'd the same thing.

Upon perusal of the Examinations of his Crew as well in New-England as after their being brought hither, there appear'd not one word which might give the least Countenance to any of those unjust Suspicions which had been propagated against the Lords or other Owners. On the contrary, it was plain by the Depositions of Bradenham and others, that Kidd own'd he had departed from all that was directed or agreed in England, and set up new Articles, and took new Men on board, on new Terms.

All the Surmises about another Commission, which had not appear'd before, were found to be groundless. And the things suggested about the Articles between the Earl of Bellomont, Livingston and Kidd, prov'd to be without the least Foundation, they being only of the nature of common Articles between Privateers, and those who set them out.

In all the Earl of Bellomont's Letters there was not a single Expression which Malice could distort to give countenance to any of the spiteful Insinuations scatter'd abroad, as if Kidd had been encouraged to do any thing not strictly conformable to his Commission. And there could not be a greater Evidence of the Earl of Bellomont's Integrity, than that in every Letter where he says any thing in relation to Kidd, it is intermix'd with other publick or private Matters; which demonstated, they intended nothing of that Business to be made a Mystery.

His Letters shew'd the great Concern he had to seize Kidd, and the other Pirates, which were many in number, securing them in Goal, and sending them safely for England. His nice Caution in not touching any of their Effects, and in consigning them to the Secretary of State: His Care in collecting and transmitting all the Evidence he could get against Kidd, and the other Pirates, and in sending over Witnesses: His plain delivering his Opinion, that Kidd was guilty of Piracy, notwithstanding his Pretences, and that consequently he and the rest of the Owners could have no Title by their Grant to the Goods he had brought with him; unless a consideration of their good Intention and great Charges, the King should think it to make some new Grant for their Benefit:

All these things shew'd the greatest Innocence and Candor which could be express'd, and prov'd, beyond Contradiction; that there never was a Clamor more maliciously promoted, or worse founded.

Upon this Occasion I cannot omit telling you a Passage, for the Justification of the Lords concern'd in this Business, which is above Exception, and which I am sure is true. After the rising of the last Parliament, his Majesty being pleas'd to honour a Noble Lord with dining at his House; while they were at the Table, a Discourse arose concerning Kidd, and the Trouble occasion'd by that Business to the Persons concern'd in the Grant: His Majesty was pleas'd graciously to say, that if by the Law of England he could be a Witness, he could of his own Knowledge justify the Lords concern'd in all they had done in that Affair.

After this Relation, of the Truth of which there are many Witnesses, I will pretend to add nothing as a further Vindication of the Integrity and upright Intentions of the Persons engag'd in setting out the *Adventure-Gally*.

The only thing which remains for me to do, is to give you an Account of what was said upon the Point, which was brought into Debate a second time, touching the Validity of the King's Grant. You observe the Question was conceiv'd in different Terms from what it was the last Year; and I beg you to observe how candidly and fairly it was put, which you will do very easily, if you only observe the Words of the Grant, which you have in my former Letter, and the Words of the Question, and see how like they are to one another. That is a Remark I leave out to make for your self.

E. of B's
Grant con-
demn'd by
the Bill of
Rights.

The Objections
against
the Grant.

The only Objection insisted on was, that the Earl of Bellomont's Grant was condemn'd by that Clause in the Bill of Rights, which says, that all Grants and Promises of Fines and Forfeitures of particular Persons before Conviction, are illegal and void.

It was said, tho' this Question had been under the Consideration of the last House of Commons, that yet their Opinion did not conclude another House. It was said that the Inconvenience rather than the Illegality, of the Grant was then the Subject of the Debate, and that the Question of Law was not thoroughly discussed. It was admitted that a Grant of *Bona Felonum* and *Bona Piratarum* of inheritance, as Franchise to go along with a Mannor, or within a certain District as an incorporeal Inheritance, might be good; but that the Grant of particular Felons, or particular Pirates Goods, before Conviction, was void: and this was the same whether the Persons were nam'd or not. As a Grant of the Goods of all Felons which should be convicted at the next Sessions at the *Old Bailey*, would be as much contrary to the Clause of the Act, as the Grant of the Goods of all the Persons then in *Newgate* for Felony by express name. That the same Inconveniencies lay in Case of the Grant of the Goods of Pirates before Conviction, as in the Case of the Grant of the Goods of Felons. That since the Statute of 28 H. 8. c. 15. which gives a common Law Trial to Pirates, that is by Juries, and makes them forfeit as in Case of Felony, they are to be consider'd no other wise than as Felons.

This was the Substance of the Objections, as far as I could inform my self. I had not the same Opportunity of hearing this Debate as I had the former, but I did use my utmost Endeavor to be inform'd of what pass'd from Enemies as well as Friends to the Grant. I do not pretend to tell you the Invectives, the Reflections, the Surmises and other artificial Insinuations, which are proper to mislead in Assemblies; but all that was Argumentative, fell under these Heads I have mention'd.

I will give you the best Account I could learn of the Answers to these Objections. I wish I could have heard Mr. S. G. who, I am told, outdid himself in Vindication of a Grant, which as he prepar'd with good Intention, so he did admirably well maintain it to be drawn with great Judgment. I cannot pretend to particularize what was said by him, and what by other Learned Persons. In general it was said in defence of the Grant,

Grants of
Forfeitures
not war-
ranted
by Law.

1. The Clause in the Bill of Rights did manifestly relate to such Forfeitures only as were made by the Conviction: not only the Words of the Clause shew'd it, but it appear'd by the Reason given in the Law Books, why Grants of Forfeitures before Conviction are not warranted by Law, viz. because by the Common Law the Forfeiture it self did not accrue till the Conviction, and therefore before that time the King had no Title in him to grant. On the contrary, the Property, notwithstanding the Treason or Felony committed, did so continue in the Party, that he had not only a right to use his Goods and live upon them, but to dispose of them absolutely, so as to make a good Title to a Purchaser; because the Forfeiture, as to his Goods, had relation only to the time of his Conviction, and not to the time of the Fact committed.

But other-
wise in case
of Pirates.

But this Reason did not extend to the Case of the Grant of Pirates Goods, because by the very Act of Piracy the Forfeiture of the Goods accru'd. So that the Pirate should be slain in Fight, or should escape so as never to be brought to Trial, yet his Goods were forfeited by the Fact, and therefore grantable immediately. There may be a Litigation *in rem*, before there is *in Personam*, as appears by the daily Practice of the Admiralty. Whereas in Felony the Goods follow the Fact of the Person, who must be convicted before his Goods can be so much as seiz'd.

Bill of
Right
reaches
Cases with-
in Common
Law.

2. It was said that the several Heads in the Bill of Rights relate only to securing the rightful Constitution of the *English* Government, and the due Administration of the Common Laws within the Kingdom, and so does this Head as well as the rest. This Article takes care of Persons who are amenable to Justice, and their Estate within the reach of the Common Law. In such Cases 'tis reasonable, till the Forfeiture accru'd, nothing should be granted. But it cannot be suppos'd to have regard to Forfeitures arising by Offences committed out of the Kingdom, where the Persons are not within the reach of the Process of the Common Law; and if they were, they are not triable nor punishable by it. The Offence of Piracy and all the Consequences of it are only of the Cognisance of the Civil Law. The Statute of the 28 of H. 8. c. 15. gives a Trial by a Jury in that Case, and

does extend the Forfeiture (if the Trial be according to the Statute) beyond what it was before, for it makes the Pirates Land forfeited, as in case of Felony. But nevertheless it does not alter the Nature of the Offence, nor make it Felony. A Pardon of Felonies is no Pardon of Piracy. The Statute does not corrupt the Blood. It does not take away the old manner of proceeding according to the Civil Law, tho for the more easy Conviction of Pirates, it adds another Method of Trial, because (as the Statute it self expresses it) according to the Course of the Civil Law it was difficult to convict Pirates, in regard that either two positive Witnesses, or the Confession of the Party was necessary. And at this day an Accessary in Case of Piracy can be try'd no otherwise than as before the Statute, by the course of the Civil Law.

3. If the Earl of Bellomont and the other Persons concern'd in the fitting out the Adventure Gally had sent her out without any Commission, and she had taken the Pirates, the Goods had been their own by the Law of Nations. And it had a strange Appearance to say, it was against Law for the King to grant the Pirates Goods to them upon condition they were apprehended by their means, when by the very taking without any Commission, they would by the Law of Nations have acquir'd a Property in the Goods.

4. The Case of Pirates is the Case of Persons in open Hostility, who must be seiz'd by Force where they can be found, and their Goods and Persons secur'd at one and the same time; otherwise there can be no suppressing them. And therefore as they must be subdu'd like Enemies, the Law considers them as such, with this difference, that Pirates are Enemies to all Princes, to all Mankind, whereas others become Enemies by accident only, and continue such but while the War lasts. And upon this ground it is that all Pirates, be they of what Nation soever, wheresoever they commit their Piracies, or wheresoever they are taken, yet they are subject to the Jurisdiction of the Prince by whose Commission they are taken, and may be try'd and punish'd in his Courts, tho ever so remote. It is not necessary they should be English, or rob in the English Seas, to subject them to the Justice of the Admiralty of England. The truth is, there is but one of the fore-nam'd in the Commission who was an English-Man.

And therefore as it is practis'd and allow'd among all Princes to grant Commissions to Privateers in time of War, empowering them to fight with and take Enemies, and their Ships and Goods, and to retain the same to their own use, or such part of them only as the Prince thinks fit to allow (the Terms being often vary'd according to the Circumstances of the War, and the necessity sometimes of giving great Encouragement) and the Legality of giving such Commissions, and granting such Advantages, has been always thought agreeable to the Law of Nations.

In the same manner, and upon the same reason of Law, such Commissions and Grants in the Case of Pirates do proceed; and there is nothing of Injustice or Inconvenience can be suppos'd in this latter case, which may not with the same force be objected in the former.

Both are granted in the time of War, for as to Pirates the War is perpetual. The Ships with their Cargoes, in both cases, and for the same reason of necessity, must be seiz'd before Adjudication, because otherwise it were impossible to bring them to Judgment. And therefore as in the one case there is a possibility that Friends and Allies may have some trouble, so in the other case by accident honest Merchants may have also; for their Goods may be aboard the Ships of Enemies, or of Pirates, and they may be put to the Charge of making out their Propriety, and perhaps contesting with great Persons (for in Queen Elizabeth's Reign, as great Men and as great Patriots as any in the Kingdom, thought they did good Service in taking out Commissions of Privateers for many Years together) yet Necessity and the Nature of the thing justifies the proceeding in both Cases: and the Advantage which accrues to the Publick transcends any private Inconvenience. And therefore the same Law of Nations which warrants such Commissions and Grants of the Goods of Enemies in time of War, does warrant the like in the case of Pirates at all times. It is a sufficient Answer to any of the Difficulties, that after the Capture there is a proper Court necessary to be apply'd to, without which, in neither of these Cases, the Party who has the Commission can have a legal Title to any thing. There must be an Adjudication in the Admiralty, that the Ship and the Cargo, or any part of it did belong to an Ally in the one Case, or to an honest Merchant in the other and the Court does them the like Justice.

5. A farther Argument to shew that Pirates are consider'd after another manner than Persons charg'd with Crimes committed within the Realm, and consequently subject to the same Laws.

Adventure Gally if she had taken the Pirates, the Goods thrown by the Law of Nations.

Pirates Persons in open Hostility, to be suppress'd by force.

War against Pirates continual.

Pirates differ from Offenders within the Realm.

subject to the Common Law, and within the reach of it, was drawn from the Proclamations frequently publish'd against Pirates: Those Proclamations being liable to the same objections as were made to the Earl of *Belmont's* Grant; particularly the Proclamation publish'd while this very matter was depending, bearing date the 29th of March 1700. *Wherein the King promises, that if any Person belonging to the Ships Company of an Private, shall seize the Person commanding the Ship, together with the Ship and Goods, and deliver them to any Magistrate, and give Evidence so as such Private may be convicted, he shall receive, as a Reward, the Moiety of the King's Share of the Profit and Goods.* This is the same Clause: if the King may grant a Moiety of what belongs to him, he may grant nine parts in ten of what belongs to him, which is all the Earl of *Belmont's* Grant does. No doubt the Learned Gentleman who drew this Proclamation, and the Honourable Person who put the Seal to it, knew what they did was agreeable to Law, and therefore in effect they have given their Opinions that this so much disputed Grant was so. Yet if such a Proclamation were us'd with respect to Robbers on the High-way, it would not be justifiable in point of Law. For the Law supposes Robbers, who are within the reach of the Magistrates and Civil Officers, to be amenable to Justice by ordinary means; so that the Case of Pirates is not in any sort esteem'd to be within the ordinary Rules, nor to be comprehended within the meaning of the Clause in the Bill of Rights.

Earl of B's Grant does not give the Goods of Pirates.

The Grant to the Earl of *Belmont* did not give the Goods of the Persons nam'd in it, or of any other Pirates, absolutely, but under two Restraints or Qualifications. First it was strictly circumscrib'd to such things as the King could grant by Law, to things belonging to him and grantable by him (but having taken notice of this in my former Letter, I will not repeat it again) Secondly it did not give the Goods of any Pirates but upon Condition of their being taken by the *Adventure-Gally*, in order to be brought to Justice; which is the very same Condition in effect that was insert'd in the Proclamation. If the Pirates nam'd in the Letters Patents, or any other, surrender themselves to Justice, if they are never taken, or are taken in any other manner than by the *Adventure-Gally*, the Earl of *Belmont*, and his Partners, have no Pretence of Title to any of the Goods. Their Title is to arise from their seizing of them, while actually standing out in their Piratical Courses. The Encouragement is only adequate to the Service. If you take these Enemies of Mankind, you shall have what you take with them, so far as it may by Law be granted; if you take no Pirates, you are to expect no Benefit by the Expedition.

The Hardship in naming four Persons particularly; that if none had been nam'd in the Commission, it would have been certainly objected, that there had been no real occasion for the Commission. otherwise the Persons would have been nam'd.

I will not mention two things more which were observ'd, one as to the suppos'd Hardship in naming four Persons particularly; that if none had been nam'd in the Commission, it would have been certainly objected, that there had been no real occasion for the Commission. otherwise the Persons would have been nam'd. The other was, that some of those who so violently objected to this Grant, had sollicit'd, and others had without difficulty pass'd the Grant to Sir *Robert Holmes* in King *James's* Reign, wherein not only all Pirates Goods, but even *bona Depredata* were granted in express Terms, without any qualifying Clause whatsoever.

The H. of Commons debate the King's Grant from being repeal'd.

I have now perform'd the second part of my Promise, in giving you an account of the Debate which produc'd the Resolution before set down, of the 28th of *March*. The next day, being *Saturday*, an Application was made that *Kidd* might be proceed'd against according to Law. This was a natural and reasonable Course, but there was another Effect some Men might hope for from it than appear'd at first View. *Kidd* was a Fellow, whose Actions did not only shew that Death must needs be terrible to him, but that he was not like to stick at any thing, upon the account of Confidence, to avoid it; and therefore probably would set himself to work as soon as he saw his certain Danger. This is not a mere Conjecture, but it is prov'd by Sir *E—S—*'s so greedily laying hold of that Information which he made to the House on the *Monday* following, viz. That he had a Letter from *Kidd*, wherein he desir'd to be brought up, having something to say to the House. His manner of opening it, and the warmth with which it was seconded by a well-ipoken Gentleman, whose Tongue, the Earl of *Belmont* says in one of his Letters, is as foul and corrupt as his Breath, rais'd every ones Expectation, and you may be sure *Kidd* was sent for immediately. But being come, and heard, the poor Creature had nothing to say which in any sort answer'd the Expectations of those who gave the Information, or were so forward to send for him, and thereupon he was re-

He desires to be brought before the H.

manded.

manded. Sir E—S— had such an Indignation at his Disappointment, that he declar'd the Fellow was a Fool as well as a Rogue; and that he would never credit what he should say hereafter. To speak the Truth, it was no Fault of that Gentleman that *Kidd* said no more to the purpose. He watch'd his bringing up, and presently got to him alone, in the room where he was kept. Their Conversation, thro' God's Mercy, was quickly interrupted. Two worthy Members who heard that Sir E—S— was alone with *Kidd*, had so much Sense of his Behavior throughout that whole Matter, and so just an Abhorrence of such a Practice, that they rush'd immediately into the room, and put an end to the Privacy. But if there be a Curiosity of knowing what pass'd in that little time it lasted, the Mistress of the Tavern at *Charing-Cross*, where *Kidd* stay'd a little while, as he was carry'd back to *Newgate* that Morning, and the Keeper who there took care of him, and drunk with him, are both alive, and can tell what *Kidd* very naturally related of that short Conference soon after it was over. I think I ought to tell you how Sir E—S— came to make this Mistake in procuring *Kidd* to be sent for thus fruitlessly, that you may the better see his Zeal to make somewhat more than he could find. Fortho' he told the House he had a Letter from *Kidd*, that was but a mending of the Story to give the more Expectation of what was to come; and therefore you will observe Care was taken by his honest Friend to omit any mention of a Letter in the Printed V—. The Fact was thus. When *Kidd* was brought up the first time, he became indebted to one *Kisfdale*, a Coffeeman near the House of Commons, in seven or eight Shillings. The Coffeeman and his Son went to him to *Newgate* on the Sunday to demand the Debt, and drinking together, *Kisfdale* said to *Kidd* he was a Fool to be hang'd for any body, and that he might certainly save his Life, if he could say any thing against the Lord Orf—, and the Lord Som—. *Kidd* reply'd, he would hang for no body, and that he was resolv'd to speak all he knew. *Kisfdale*, and his Son, went immediately with this Story to Sir E—S—, and upon that he founded the Information he gave the House. Whether the Coffeeman acted by Order, in talking so to *Kidd*, or whether he only guess'd where he should be welcome with his Story, I know not.

It was very happy for the Earl of *Bellmont* and his Friends, that no Trial was made of Sir E—S—'s firmness to his declar'd Resolution of never believing any thing that *Kidd* should say, after his last bringing up. He little knew himself in that point. He was so unwilling to let this matter end without more Prejudice and Reflection on those whose Ruin he wish'd, that ten days after, he and his before-mention'd good-natur'd Friend were engag'd in bringing another, yet more impertinent Story before the House. He inform'd them that *Kidd*, since his being in *Newgate*, had been at some other Place besides the House of Commons. This occasion'd a new Examination of all the Keepers of *Newgate*. But there also follow'd a Disappointment, it proving to be a ridiculous as well as a false Tale, and ended only in the Confusion of those whose Malice and desire to oppress Innocence could never end. The Story is as follows. One *Symmonds*, who had been formerly an Officer in the Marine Regiments, and lives now as he can, told Sir E. S. and Mr. J. H. that one *Stockdale* told him, that the first time *Kidd* was brought up to the House, as he was going back to *Newgate*, he was carry'd to the Lord H—'s House in *Westminster*, where this Fellow saw him, together with that Lord, and the Lord S—rs. If you would know the Quality of this *Stockdale*, he is a poor Fellow that waits at an Alehouse at *Charing-Cross*, to be sent on Errands, but was Brother to a Maid-Servant in that Noble Lord's Family, by pretence of which he us'd very often to get Victuals there, and so knew the way into the House. Upon the Examination of these two Fellows, it appear'd it was not possible the Story should be true, because all that day hundreds of People follow'd *Kidd* wherever he went; so that this Interview must have been a very publick one. If the Gentleman who thought fit to give this Information to the House, had not been blinded with Malice, they must have discern'd the Folly of it. Was it probable that one of those Lords, who was wholly unconcern'd in the Business of *Kidd*, should so unnecessarily desire his Company at his House on so remarkable a day? Or was it possible to believe that the other of those Lords, who certainly thought himself not a little fortunate, that *Kidd* upon all his Examinations had declar'd he had never seen him, would begin an Acquaintance with him at that time? I have told you, that this third Inquiry vanish'd in Smoke. And I cannot forbear observing to you, that it ended without any Censure or Indignation express'd against those who

con-

The House informed that Kidd went to a certain Lord's House, but it was groundless.

continu'd to act a part so shamelesly Malicious. The truth is, there was such a poorness of Spirit among one sort of Men, such an Aw of a Party, that at last they had not Courage to express the least Repentment, to ask a Question, or take a step towards detecting as unworthy and corrupt Practices as perhaps were ever heard of.

The Lords concern'd in fitting out the Gally, were unconcern'd at Kidd's Examinations.

I will observe to you also, that the Lords who were Partners with the Earl of Bellomont in setting out the *Adventure-Gally*, sat still throughout the whole Enquiry; and were so intirely passive, you would have thought they had not been concern'd in the Consequence. I am far from blaming their Conduct. There is a noble Assurance which is the Companion and the best Witness of Innocence. They saw the Practices which were set on foot every where, and that no Arts of Subornation would be wanting. They look'd upon it as a great Mercy of God, that *Kidd* had tied himself down by declaring, upon so many several Examinations, that he never had any Conversation with them. And they might reasonably apprehend, that the most cautious Endeavours to detect the indirect Doings of their Persecutors, might by Malice and Villany be turn'd to their Disadvantage, and give Countenance for new Calumnies to those who had then nothing solid to say. Tho' this might be wise and reasonable in them, I cannot put so favourable a Construction on the Reservedness and Backwardness of their Friends.

I must also acquaint you, that Sir *Cb—H—*, who behav'd himself so honestly the last Year, shew'd an Instance of humane Frailty now by a shameful Silence, so much the Sec—y got the better of the J—ge.

To conclude, I will not say as I did last Year, that there is an end of *Kidd's* Business; but I will say if ever Men have had an Inquisition upon them, if ever any Business has been sifted to the Bottom, it has been in this Case. And let you and me rejoice that the Integrity, Virtue and Honour of our Friend the Earl of *Bellomont*, remains intire and bright, after all these fiery Trials.

I am, &c.

Jura

Jura Populi Anglicani :

Printed in
1701.

Or the SUBJECT's Right of Petitioning set forth,

Occasion'd by the Case of the Kentish Petitioners.

With some Thoughts on the Reasons which induc'd those Gentlemen to Petition: "And of the Commons Right of Imprisoning.

*Nulla Veritas ullâ de re ita disertè cavere potest,
Ut malitiosa calliditas locum fraudi non inveniât.*

Ulpian, Of the Laws of his Time.

The PREFACE.

TIS a melancholy Reflection to consider how universal a Dissatisfaction the Management of the House of Commons has this Session caus'd in the People of England. Among the many who arraign their Proceedings, there are none who make not the Treatment of the five Gentlemen who presented the Kentish Petition, one Article of Impeachment against them: and the most intelligent part of the People have been free in saying, That the Punishment of them plainly demonstrates very extraordinary Designs, and must be allow'd, even by men of Candour and Sense, to give just grounds for all the Jealousies and Suspicions that have been entertain'd.

'Tis not my design, in handling this Subject, to use any Artifices or false Colours, to foment such Jealousies as these, but to discharge a Duty which I owe the Community, and to prevent an intolerable sort of Slavery which may be brought in upon us, if care be not taken to fence against such Acts of Power, and Infringements of our Liberty, by shewing the Injustice and Illegality of them.

Tho the Task be very grateful, and what I could not but undertake, when I consider What dishonour necessary it was to run down that Power, which has been assum'd to destroy the Freedom ^{courag'd} we are entituled to by the Law of Nature, and municipal Laws of this Land; yet two ^{the Author} Considerations there are which did not a little discourage me in the Undertaking. ^{in his Work}

First, 'Twas no small check to me to consider how invidious a thing it is to censure the Proceedings of that Great and Honourable Assembly the House of Commons. The People of England generally call them their Representatives; and so far do they think themselves interest'd in what they do, as to espouse their Acts for their own, and reckon any Censure of them to be an Arraignment of the whole People. He therefore that will be so hardy as to attack such an Authority as this, may well be under some concern at the Undertaking, and had need in the very entrance to remove a Prejudice which is enough to de-

feat his sincere Endeavours to serve the Publick. The Apology which I shall here make for my self, is to desire those who are so tender of the Honour of their Representatives, to consider,

He that
speaks a-
gainst the
H. of C—
speaks not
against the
whole House
or People of
England.

First, That he who uses a Freedom in speaking against the Proceedings of the House of Commons, is not necessarily to be suppos'd to speak against the whole House, much less the whole People of England. 'Tis true indeed, when a Question is carry'd, tho it be only by one Voice, it is as much the Act of the whole Body, as to any force and operation in our Constitution, as if it had the Suffrages of every individual Person. Will any one say that such a Resolution, in the Debates of Men without Doors, concerning its being reasonable or unreasonable, is as much to be reckon'd the Act of the whole Body, as if it had the chearful Suffrages of them all? To speak a little more plainly, Let us consider a Question at the very time of Division, with the Voices equal on both sides. In this case, men reasoning and speaking their Minds freely concerning either side of the Question, cannot be said to be guilty of any Offence, or utter any Reflection against the People of England, or their Representatives, because they whose Suffrages be condemn'd are no more than the other side whose Proceedings be justifies. Afterwards, when such an equal Division as this is decided by the Speaker, it must be own'd that his Voice makes it the Act of the House: But what in reality does such a Person do? Does he any more than censure that one Member of the House? Or can his Reflections reach any more of the People of England, than those who chose him for their Representative? If in such a case the Speaker should happen to be a Man of crooked Designs, notorious for Falseness and Un sincerity, as well as other Immoralities, and engag'd in all the Interests of a Party, suspected and feared by far the greater part of the People; would it be possible for Human Nature to have that Reverence which some contend for, for such an Ordinance as this? or ought he in justice or good sense to be censured as an evil Man, and one who boldly reviles the People of England, who uses some freedom in speaking against a Resolution, which ow'd its Sanction to such a corrupt Voice? This shews us what Opinion we are to have of those who are free in censuring such Resolutions when they are carry'd by greater Majorities. If a Matter should happen to be push'd on by the violence of a Faction, wherein the Ringleaders are Men whom the People have a long time thought Enemies to the Government under which they live; if the very Fact it self carry in it very broad signs of evil Intentions; if it be contrary to the natural Rights of the People, and Laws of the Land, 'tis not the Majority of the House will be able to reconcile men to it: And if upon the account of its Oppressiveness and Illegality, the Voice of the People be every where against it, 'twill be a Solcism to say, That he who in defence of the Peoples Rights, uses a freedom in speaking against it, arraigns the Justice of the whole People of England, and wounds their Honour through the Sides of their Representatives.

'Tis not to be wonder'd that the Imprisonment of the Kentish Petitioners should have the Voices of the major part of the House of Commons, when (besides the great inclination discover'd by the Speaker) Sir Ed—rd Sey—rt, Sir Bar—w Sh—er, Mr. J—n H—w, Mr. Ham—d, Mr. Har—rt, and others, press'd violently for it. What so many Leaders in the Party contended earnestly for, could not but have the Approbation of those who voted as constantly with them, as if they thought it both their Duty and Interest so to do.

Imprisoning
the Kentish
Petitioners
not the Act
of the whole
House.

But tho that was the Act of the greater part, 'twas not of the whole House of Commons. All those Worthy and Honourable Members, who have always firmly adher'd to his Majesty's Interest, who have given perpetual Demonstrations of their Enmity to France, and the abdicated Family, and heartily desired to have all those things done which the Kentish Gentlemen petition'd for; were averse to this, as they were to other fatal Proceedings, which yet they had not Power to prevent. If then a great and honest Party in the House, and in a manner the whole People without Doors, except the Papists and Jacobites, inveigh against the Imprisonment of those Gentlemen, as a notorious Infringement of the Liberties of the People of England: This, I hope, will be a sufficient Apology for me, and secure me from the Censures of all those who are apt to call such an Undertaking as this an impudent Arraignment of the Justice of the House of Commons, and of the whole People of England.

H. of C—
not Repre-
sentatives
of the whole
People of
England.

By way of further justifying my self as to this particular, I must desire those People to consider that the House of Commons are not the whole People of England's Representatives. It is very evident that the Representatives of the People are those to whom, when they entred into Society, they resign'd up that Power which they had in the state of Nature, to punish Offences against the Law of Nature, in prosecution of their own private Judgment, and authoriz'd to make Laws for them, which are the Rules to determine all the Controversies, and redress the Injuries that may happen to any Member of the Common-wealth.

wealth. Thus the Society, or, which is all one, the Power Legislative, are the only Representatives of the People. The Commons may be said to represent those Freeholders, Citizens and Freemen who chose them: But what are they to the whole Body of the People, who are represented in the Political State, and are intitled to all the Benefits and Advantages of it? This shews us what Mistakes those men run into, who violently contend for an extravagant Power in the House of Commons, because they think this is to assert the Right of the People of England in the hands of their Representatives.

'Twill be allow'd me, I believe, in this favourable Juncture, to say, that the Lords, who have throughout this Session spoken the sense of the great Bulk of the People of England, and have with great Wisdom, Temper and Conduct, done all that was in their Power to serve their Country, and prevent its Ruin, are (as they are a part of the Legislature, which alone prescribes Laws and Rules to the Community) no less Representatives of the People of England than the Commons are. The Services they have done the Publick will, I hope, be gratefully remembred by the People, and help to convince them that they have err'd greatly, and built our Happiness and Security upon too narrow and dangerous a Bottom, who have so violently and unreasonably contended for the Power of the Commons, and would derive all those Advantages from them which flow from the whole Constitution. The regard which the People of England have had for that State, which in a mistaken Notion they call'd their Representatives, may be of very fatal Consequence in breaking the Balance of Civil Power, and shewing the Grand Enemy where he is to make his Attacks, to subdue a People whom his Arms cannot hurt.

The brave Lacedemonian Matron renounc'd her only Son when he fled from Battel, and forgot the Services which he ow'd his Country. If the House of Commons were the Representatives of the People of England in that sense which some contend for, ought we to have any great Veneration for them, if they should quit the manifest Interest of their Country, and utter a Sense quite different from that of the People? If any think they have done so in the Matter now in debate, they will allow this to be some Apology for censuring what they have done.

There is (as I said) another Consideration which discourages me from publishing my Thoughts on this Subject; that is, the Censure which I shall incur of serving the Designs of a Party. This is the grand Artifice which those who have brought themselves under the Suspicion of their Country, have made use of to support their Faction. To brand their Antagonists with the name of Whigs, is the way they have taken to make them desert the Service of the Publick, and list themselves under their Binner. As this has been their Management in other Cases, so was it particularly remarkable when the Kentish Petition was presented to the House. Sir E——s——r, to bring an Odium upon it, and make it a Party business, nibbled a little at a particular Name, and was pleas'd to say it smelt of Forty One. 'Twas his remarking the Name, that gave the Gentleman who bore it an Opportunity to say, that he was very well known to be of a Family, which was remarkable for oppoling the Usurpations of the Commons.

Since I find what use is made of those old Names of Whig and Tory, how inconsistent moderate People are impos'd upon by them, and seduc'd from the real Interest of their Country; before I discover of what Party I am (which I will do, to let my Reader fairly see how far he ought to be prejudic'd against me) I will crave leave to consider those Names, with the different significations they have born; and examine whether those that make use of them to serve their Cause, can justly apply them to the Factions among us.

A Tory, if we consider the most moderate Acceptation of the Name among those who bore it, was one who lov'd the English Monarchy and Hierarchy, had a religious Regard for all the Rights of them both, which he took to be of Divine Institution, and abominated all those factious Spirits, which decry'd the Authority, or endeavour'd to infringe the Power of either. The generality carry'd the Notion much higher, and would allow none to deserve that Name, but such as were against having the King's Power fetter'd by Laws, or his Will any way govern'd or restrain'd by the Humours of his Subjects. The Whig has enlarg'd his Idea, and taken some other things into it. In the account he gives of a Tory, he tells us, that if he be for Kings and Bishops, they must be such Kings and Bishops as he likes: That in the late Reigns he was not only for the Jure Divino Right of our Kings, and for submitting all our Laws and Libertys to the Royal Will and Prerogative, but was for raising the exorbitant Power of France, and destroying Holland, in compliance with the Desires of our Princes, who could not otherwise make their Government arbitrary, and introduce Popery.

A Whig, as he is describ'd by a Tory, with respect to his Inclinations to Civil Government, is one who hates the Power and Prerogative of Kings, and is perpetually raising factions in the State, in order to subvert Monarchy, and set up a Popular Government:

When consider'd with respect to the Ecclesiastical State, he is represented an Enemy to the Hierarchy, one who would destroy the Order of Bishops, as well out of hatred to the Order it self, as because they are the Supporters of the Monarchy. Upon this account he is further represented to be a Lover of the Dutch, because they are Enemies of Kingly Government, and Favourers of those factious Male-contents. A Whig; if you'll take his own Character and Description of himself (generally speaking) tells you, that he is for Kingly Government, and the Church as by Law establish'd; that he prefers the English Constitution to any other in the World; that those Reflections were craftily and slanderously thrown upon him by the Ministers and Vassals of the last Reigns, because he oppos'd their Endeavours to bring in an Arbitrary Power, which was to be according to the French Model, and must be accompany'd with Popery; that he is indeed a Lover of the Dutch (as are all the People of England, unless it be the French Party) but not out of any factious Design, or respect for their sort of Government, but because they have been good Friends and Allies to us, have steddily and bravely withstood the growing Power of France, and are a great Bulwark to the Protestant Religion and Liberty of Europe.

These are the shortest Accounts we have of the Ideas that belong to those old Party-Names, from the Descriptions of the opposite Parties. Time, the great discoverer of dark and mysterious Designs, has let in some Light to help us discern who are in the Right; and from the management of Affairs in this present Juncture, we may easily learn whether those who make use of these Names to serve their Cause, can justly apply them to the Factions among us.

Tory Party
that which
govern'd in
the H. of
Commons.

The Tory Party, as they affect to be called, is that part of the House of Commons which has govern'd this Session, and directed all the Proceedings which have alarm'd the People of England, and made them every where exclaim against the Management of the lower House. If we consider the Men, and compare what they have done with the pretended Principles of their Party, 'twill hardly seem odder to see Sir Ed—rd Sey—r bring in a Bill to prevent Bribery, or Mr. J—n H—w exclaim against exorbitant Grants, or Sir Ch. M—ve violent either against Grants or a Standing Army; or to find them, who discover'd a plain Inclination to quiet France in the Possession of all the Spanish Dominions, quarrel at the Treaty of Partition for giving France too much, than to see them assume the Name of Tories. Is not R— H— a Ringleader in this Tory Party? Is not his Bro—er E— a leading Member? Does not he attend all Ordinances, and as constantly every Week-day frequent the Service of the Church (for his is a Church-Party) in St. Stephen's Chappel, as he does the Conventicle every Lord's-day? Are not the F—s, W—tons, St. J—n, H—y of Wey—th, B—ston, Ha—n, R—yl, and others of that Leven, Members of this Fraternity? 'Tis methinks hard to say how a Faction blended with such a number of Names noted for their Inveteracy to the true Tory-Principles, can be called a Tory Party. Nothing sure but mere Necessity, and want of Men to serve some great Design, could make them who pretend to be genuine Tories, and consequently must hate a Comprehension, and love to keep their Party pure and unmixt, herd with a Set of Men so odious to them.

They now
call'd Tories,
were
formerly
Whigs.

But upon second Thoughts the Wonder will not seem so great; whatever Difference might formerly have been between them, 'twill upon a fair Examination now appear, that there is a great Agreement in their Principles, and that those who keep up their Faction, by retaining the Name of Tories, and running down Whigs, have nothing but the bare Name of their Party, and are that very thing which they run down. This will be very evident to any one who will but take a short view of what they have done, and compare the Loyalty of their Behaviour with their Loyal Principles.

Their Prac-
tices dan-
gerous.

Formerly the Tory Doctrine was, that the King was the Breath of our Nostrils, that we sail'd in our Allegiance to him, and deserv'd not the name of Loyal Subjects, unless we valued his Life more than our own, and would do all that lay in our power to preserve him and his Government, by shewing an inclination to destroy his Enemies.

See their
Names in
the Appen-
dis, A.

Is this the Temper and Spirit of our present Tories? Are not Sir Ed—rd Sey—r, Sir Ch—r Mus—ve, and forty more, at this very time Members of the House of Commons, and of this Tory Party, who when the Conspiracy against the King was discover'd, and an Army lay ready to invade us, refus'd the voluntary Association, which was reckon'd the best Expedient to preserve the King's Life, and prevent the Ruin of this Kingdom? Formerly Tories reckon'd it an Act of Duty and Loyalty to repose an intire Confidence in the King, and to desire that he might be gratify'd, as with every thing else, so particularly with such an Army as he desir'd. And in the late Reign, when the Army consisted of nineteen thousand Men, and the King had no other occasion for them but to terrify and afflict his own Subjects, Sir Ch—r Mus—ve was pleas'd to say in the House of Commons, 'twas a deplorable thing that the King should have no better Army

Wa

Was it not that good old Loyalist, and the Men of that Party principally, who reduc'd his present Majesty to the Allowance of seven thousand Men; and were the Cause of all the Calamities that have been occasion'd by it? In the Reign of King Charles the Second, when that Gentleman had Grants from the King, 'twould have seem'd no less a Prodigy in these Kingdoms, to see a Tory House of Commons offer to intermeddle with the King's Grants; as they have done, and make it an Article of Impeachment against a great Minister to take a Grant from the Crown, than to see a Church-party, who have told us that the King is Christ's Vicegerent, and Head of his Church here upon Earth, and that he has an uncontrollable Right to dispose, as he pleases, of those Fees with which the Crown has endow'd the Church, offer to destroy the King's Right by bringing in a Bill to prevent the Translation of Bishops from one See to another. This Bill design'd no great Favour to the King or the Hierarchy, yet Sir J. P—ton, who brought it into the House, must be thought a Loyalist and true Son of the Church, because he tells Churchmen that he is so. 'Twas a Bill for the better securing the Protestant Religion, yet there are but few Protestants, I believe, concern'd that 'tis adjourn'd (as the necessary Methods for securing our Religion are) to another Session of Parliament: If it be the next Session tack'd to a Money-Bill (as the Jacobites say 'twill be) then we shall see the Protestant Religion as well secur'd, as some People would have it, who now turn the Methods of securing it into Jest and Ridicule.

I could heartily wish there were no other Instances, but these I have here mention'd, of the ill Treatment which both the Monarchy and Hierarchy have had from this loyal Church-party (as they would fain be reputed) whose Practices of late have been the plain Reverse of what they formerly profess'd. Have not they arraign'd the King's Power in making Treaties, which was never disputed in any former Reign, no not by those Demagogues in the Reign of King Charles the First, whose Memories and Practices they pretend to bate?

Have not they pull'd down one principal Pillar and Support of the Monarchy, by creating a Distrust between the King and his People, by representing Men unfit for the Service of the Publick, and excluding them from having any thing to do in the Election of their Representatives, who are in Places of Trust under the King? Have they not destroy'd our very Constitution, and made our Government plainly popular under their sole Management and Direction? Is it not a popular Government, and a very intolerable one, where they have usurp'd the Power of the King and the Lords, and broken in upon the Rights of the People, by taking the Execution and Legislation upon themselves, and punishing contrary to Law? Have not they usurp'd the Power of the King both Executive and Legislative, when they are grown to that Exorbitancy of Power, that they expect he will do whatever they require of him, tho it be to punish some who have long toil'd in the Support of his Government, and turn out others from Places of publick Trust, who have appear'd with a warm and extraordinary Zeal in his and their Country's Service; when they take upon them to censure and condemn what he does, tho it be profitable to us and our Friends, and his undoubted Right and Prerogative to do it; when to prevent the Mischief and Confusion in which his Enemies would involve his Kingdoms, he has been forc'd to give the Royal Assent, where he knew 'twould not only hurt many of his Friends, but a very great Number of his good and loyal Subjects, and be of very ill Consequence to his Affairs abroad? Have they not invaded and usurp'd the Power of the Lords, by endeavouring to destroy their Jurisdiction, by tying them to new Rules and Methods in their Judicature, and forcing their assent to Laws by tacking of Clauses, and leaving with them, together with the Bill, all the ill Consequences that should attend the rejecting it; which is plainly threatening them with the Wrath and * See the
Reckoning of the Nation, impos'd on and incens'd by them? Have they not been highly Number of
injuriously to the People, and invaded their Rights, by taking the Execution of the Laws upon those imprudent, which belongs not to their Province, and imprisoning such numbers of their Fellow-son'd by'em,
Commoners*, as they have done this Session? Append.B.

It must be very extraordinary Assurance that can make a Party, which has not only thus arraign'd the Actions of his Majesty, and been a constant Clog upon the Wheels of his Government, but has likewise usurp'd his Power, and brought in an Arbitrary Popular Government, assume the Name of Loyalists, and call others turbulent, seditious Republicans. If we would judg right between the two contending Parties, we ought to consider their Actions, and not the Names and Characters they themselves assume, or give one to another. If it be evident that the Tories have been highly prejudic'd against his Majesty's Government, if they have usurp'd upon the Crown, and depriv'd it of many of its just Rights, and the Whigs have born a constant Affection to the King, and endeavour'd to continue him in Possession of all his Rights and Prerogatives: if in settling the Succession in the Protestant Line, Tories have not only discover'd a perfect Aversion to the Act, and us'd Artifices to elude

They have been a clog to the Government.

elude it, but likewise fram'd that new Bill of Rights which was not contriv'd to recommend the Crown, and make it amiable to the Successors; and the Whigs on the other hand shew'd themselves both eager to have the Crown settl'd, and unwilling to have such a Breach made in the Prerogative; then 'twill be evident that the Whigs Loyalty is greater than the Tories, or that the Object they have plac'd it upon makes it more agreeable to us, and apter to promote our Happiness and Tranquillity. If Tories be of those loyal Principles they boast of, and the Object be the Abdicated Family: if it be this Loyalty of their Principles, and the regard they have to the Interest of that Family, that has made them uneasy to the King, and downright Republicans under his Government, true English-men will find but little reason, as things now stand, to admire their Principles or run into their Party. The Case in short is thus: To this loyal Tory-Party (as they would be esteem'd) we find all those attack'd, whose Principles imbib'd in the late Reigns, make them firmly adhere to the Interest of King James: Here we find all those in a manner who were against the Abdication, Recognition, who would not allow his present Majesty to be rightful King, and refus'd to enter into the Association to preserve him and his Government: In this Party are all those likewise, whom either the Love of Money, or of the St. Germain Family, or Popery, has reconcil'd to the French Interest. 'Tis most certain, that there is not a Man in the House engag'd in any of these Interests, who is not one of this Party; and as certain it is that all the Papists, Friends of King James, and the French King, without doors, applaud their Proceedings, and own that they are fairly represented by them.

The Parties
how to be
distinguish'd.

From this Account then 'twill appear that the Parties are truly and properly to be distinguish'd into those who are for the Jacobite or French Interest (for it is impossible to separate them) and those who are for our present Settlement, or the true Interest of England. This being the distinction of Parties, I shall as cheerfully and readily acknowledg my self of a Party, as St. Paul own'd himself an Heretick after the way which his Enemies call'd Heresy. If cunning Men of the opposite Faction be able to carry their Management much farther; if by a crafty use of the Names of Church, Tory and Whig, they can impose on weak Men, and keep them from being of this Party, that is, of the number of those who are for the Interest of England and the Protestant Religion, and Haters of French Power and Popery, we may thus be insensibly drawn into the Snare laid for us, and bring upon ourselves all the Calamities we are afraid of. This may be: and I think 'tis manifest to considering Men, that the Enemy, even this Session, had made no small Advances towards gaining his ends, if some Men of the Church had not had more strength of reason to rescue themselves from the Jealousies that were craftily and falsely suggested, and better Notions of the true Interest of the Church and dangers of the Publick than others. The Alarm given was, That the Monarchy and Church were to be destroy'd by Republicans and Fanatics.

Prudence of
the Lords
Spiritual.

The Bishops saw where the real danger lay; that they were the Thieves, who cried Thief first; that those whom the Tories call'd Republicans had sufficiently demonstrated by their Behaviour to his Majesty, how little they deserv'd that Name which their Enemies had insidiously put upon them; that the Republicans to be dreaded by them, were those who sided with the rankest of that sort, and ran into all the Excesses of Anarchy and Faction against the present Government, in order to dispose things for another Revolution. They saw into what Power they were grown, how they had usurp'd upon the King, how they had bullied the Lords, and endeavour'd to destroy the Jurisdiction of that House, with which they knew that all the Power and Authority of their Order must determine. And as in the Lower House of Parliament they saw the Rights of the King, and the Jurisdiction of the Lord invaded, and such things done by those pretended Royalists, as no one formerly could have mention'd without coming under the Ban of the Party: So in the Lower House of Convocation they saw the like Invasion of their own Rights by Men of the same Leven; and a Power claim'd altogether inconsistent with the Presidency of the Archbishop over his Synod; a Power absurd in it self, repugnant to the Synodal Rights enjoy'd and exercis'd by Metropolitans and their Comprovincials in all the purer Ages of the Church, and such as these Gentlemen would have call'd downright Rebellion in former times, when they thought it their Interest to be, what they now call themselves, but are not, true Sons of the Church. The Archbishop, and those his worthy Brethren (to whom God has given Understanding as well as Integrity suitable to the Necessities of these times) see where the Springs of these unhappy Differences are: They know what care is taken (and for what design) to traduce the Governours of the Church, as Enemies and Betrayers of it, and to make zealous Churchmen and others believe, that there are some Men who are better Patrons, and truer Friends of the Church than the Bishops are. Time will shew these Men their Error, and take off that Veil which yet lies over their Eyes. They have shewn the Church of England, by their Behaviour this Session, and adhering to those who are plainly in the Interest of England, and for our Constitution, what their Notion is of Parties. By their Management (which has gain'd

gain'd them the universal esteem and applause of the People) they have set things upon the largest and best Bottom to preserve the Church and State of England: They who advise other Methods, and are for enlarging the Bottom, by taking in Persons who have hitherto appear'd disaffected to the Government, recommend Men to the King, who would be less burthensome to him, if they appear'd arm'd against him in the Field; and take a ready and effectual Method to bring in upon us French Slavery and Popery, which we shall yet be able to prevent, if the People of England will regard their true Interest, and be careful to bring those into Credit and Power, who love their Country, and cannot be reconcil'd to the Interest of our Enemies.

Jura Populi Anglicani, &c.

THE Death of the King of Spain, and the alteration made in the Affairs of Europe, by the Settlement of his Dominions, has caus'd a general Con-
 sternation in all those Countries, which before had any apprehensions of
 Danger from the growing Power of France. Among them all, none has more
 reason to be alarm'd than England, since, when we consider our Situation, the
 Affairs of Commerce and Religion, and the Interest not only of the Abdicated
 Family, but of their great Protector likewise, among us; we must allow that no
 other Nation (unless perhaps we except Holland) is more immediately affected,
 and likelier to feel the first dire Effects of this unhappy Conjunction.

This the People of England are generally sensible of; and 'tis to this sense of
 their Danger, and the suspicion they have entertain'd of a much greater Inclina-
 tion to continue than destroy this Union of Power, that we are to ascribe their
 Discontents, and the Resentments they have express'd against their Representa-
 tives, to a degree never before known in any Age of our Government.

'Tis in the midst of these Clamours that echo'd through the Kingdom, and the
 universal Dissatisfaction of the People at the Proceedings of the House of Com-
 mons, that the five *Kentish* Gentlemen presented this following Petition, agreed to
 by the Gentlemen, Justices of Peace, Grand Jury, and other Freeholders, at the
 General Quarter-Sessions holden at *Maidston*, the 29th of April, in the 13th Year
 of his Majesty's Reign.

WE the Gentlemen, Justices of the Peace, Grand Jury, and other Free-
 holders at the General Quarter-Sessions at *Maidston* in *Kent*, deeply con-
 cern'd at the dangerous Estate of this Kingdom, and of all Europe; and con-
 sidering that the Fate of us and our Posterity depends upon the Wisdom of our
 Representatives in Parliament, think our selves bound in Duty humbly to lay be-
 fore this Honourable House the Consequence in this Conjunction, of your speedy
 Resolutions, and most sincere Endeavours to answer the Great Trust reposed in
 you by your Country.

And in regard, that from the Experience of all Ages it is manifest no Nation
 can be happy without Union; we hope that no Pretence whatsoever shall be able
 to create a Misunderstanding between our selves, or the least Distrust of his Ma-
 jesty, whose Great Actions for this Nation are writ in the Hearts of his Subjects,
 and can never, without the blackest Ingratitude, be forgot.

We most humbly implore this Honourable House to have regard to the Voice
 of the People, that our Religion and Safety may be effectually provided for;
 that your Loyal Addresses may be turn'd into Bills of Supply, and that his most
 Sacred Majesty (whose propitious and unblemish'd Reign over us we pray
 God long to continue) may be enabled powerfully to assist his Allies before it
 be too late.

And your Petitioners shall ever pray, &c.

Signed by all the Deputy-Lieutenants there present, above twenty Justices of the Peace,
 all the Grand Jury, and other Freeholders then there.

This

The Petitioners imprisoned by the House of Commons.

This Petition was offer'd to the House on the 8th day of May; the Gentlemen who deliver'd it, and own'd it at the Bar of the House, were Mr. William Colepepper, Mr. Thomas Colepepper, Mr. David Polhill, Mr. Justinian Champneys, and Mr. William Hamilton; for so I find all their Names written in the Votes, without the addition of Esq; tho Four of them were Justices of the Peace, and two Deputy-Lieutenants of the County. This was thought by some to be prudently contriv'd, to lessen the Credit of the Petition among People without Doors, and to make others less eager to follow the Example of those Gentlemen.

Concerning the Petition the House came to this Resolution, That 'twas *Scandalous, Insolent and Seditious, tending to destroy the Constitution of Parliament, and to subvert the established Government of this Realm.* The five Gentlemen they order'd to be taken into the Custody of the Serjeant at Arms. The Treatment they had from him was very singular, and shew'd that they were under the high Displeasure of the House; for when he accidentally saw two of them talk together, he drew his Sword upon his Deputy for permitting it; and when upon one of those Gentlemen's demanding a Copy of their Commitment (which they reckon'd they had a title to by virtue of the *Habeas Corpus Act*) and his refusing it, the Gentleman said he hop'd the Law would do him Justice, his reply was, that *he car'd not a Far for the Law.* The Reverence of the Law is fallen very low indeed, when one who has the Honour of being a Servant to the House of Commons, can presume to make so bold with it. In his Custody they continu'd till the 13th of May, when he (contrary likewise to the *Habeas Corpus Act*) by an Order of the House of Commons, and a Warrant issu'd out from the Speaker, deliver'd them Prisoners to his Majesty's Prison at the *Gate-house*, where they continu'd to the end of the Session. Besides this severe Punishment inflicted by themselves, that they might shew their utmost Resentment, and proceed to all the Severities in their Power, they at the same time resolv'd upon an Address to his Majesty to put them out of the Commissions of the Peace and Lieutenancy.

The imprisoning of those Gentlemen is the Fact which comes under my Consideration. In order to handle this Subject fully, 'twill be necessary I consider these things:

First, What Power the House of Commons has to imprison.

Secondly, The Subjects Right of Petitioning.

Thirdly, What Reasons the Gentlemen, Justices of the Peace, and Grand Jury of the County of Kent, had to offer that Petition when they did.

*H. of C—
Power as
to Imprisonment.*

First, I am to consider what Power the House of Commons has to imprison. Tho this Enquiry may by some be thought needless in this place, since a bare setting forth the Subjects Right to petition, will be sufficient to shew us what we are to think of the imprisoning of the *Kentish* Petitioners; yet the best way, I think, to enable us to make the truest Judgment concerning this Fact, will be to examine what Provision the Laws have made for the Liberty of our Persons, and how far we are subject to the Will of the House of Commons. Such an Enquiry would be highly necessary at this time, tho the Treatment of the *Kentish* Petitioners had given no occasion for it. Great numbers of other Subjects have been imprison'd by them this Session, to the horror and amazement of all those who know the Rights and Liberties of the People of *England*, and therefore cannot but be concern'd to see them so miserably infring'd. To prevent such Acts of Power for the future, 'tis necessary we shew that they are mere Acts of Power, and manifest Inroachments on the Liberties and Rights of the People. If there be any who still retain the old fond Opinion they had of the Peoples Representatives, and think our Liberties are sufficiently provided for when in the hands of such Guardians, and that we can suffer no great Inconvenience by any Power which they are intrusted with; I would desire them to inquire how Mr. *Buckley* (committed for shewing the Letters which he receiv'd from Sir *Edw-rd Sey---* and Mr. *Colson*) and Mr. *Hassam* (committed on Mr. *Samuel Shepherd's* Account) were treated by the Serjeant at Arms in their Confinement; and consider whether such Severities are not sufficient to convince them, that the *Peoples Representatives* (as they are call'd) are not to be complemented with more Power over the Liberties of the People, than our Laws and Constitutions do allow them. Do not the fierce and rigorous Prosecutions which we have seen make it evident to us, that Men can fall under no Re-

Peoples Representatives have no Power above Law.

sentment,

sentiment, no Rage or Malice more outrageous than that of a Party? Don't we see how regardless Men can be of their Reputation, what Strife and unbecoming Animosity they can stoop to, when intent upon breaking an opposite Faction? Is it fit then that in such a disorderly and divided State, Men should be intrusted with excessive Power, who are inclin'd to make full use of it? If by our Constitution the House of Commons were allow'd a Power to restrain the Freedom of our Persons as they should think fit, for the good of the Community, the exercise of that Power, however rigorous and severe, would (if it were free from the bias and influence of Parties) be as patiently born from them as any other means whatsoever. But if on a Lawless and Arbitrary Power they invade that Freedom which an excellent Constitution excludes as to, 'tis impossible that a regard for the Persons who suffer it should reconcile us to the Suffering. 'Tis my business here to discover whether they have done so, or no. The proposed Method to do this, and to satisfy this first Enquiry concerning their Power to imprison, will be, First, to examine how far our Laws have secured the Liberty and Freedom of our Persons. Secondly, To examine whether the Power exercis'd by the Commons be not repugnant to the Laws, and plainly destructive of our Constitution.

As to the first Enquiry, 'tis evident that both the Common and Statute Law of this Land, as they suppose Men to have an Inheritance in the Liberty of their Persons, so have they taken all imaginable care to secure them in the possession of this Inheritance.

Liberty of
People to
be secure of
it

1st. As to the Common Law, we know what Favour is shewn to the Liberty of our Persons. This was so great, that formerly Imprisonment was to be imprison'd, but for Force, and things done against the Peace. Force indeed the (being the Guardian and Preserver of the Land) could not but annex; those therefore that committed it, the accounted bet Capital Enemies, and did forfeit their Bodies to Imprisonment: In all other Cases the protected them from this Restraint. This was our Constitution in the time of the Saxon Kings, and a long while after, till the 3rd Year of Edm. III. who was the eighth King from the Conquest: Because British would not render Accounts to their Lords, 'twas then enacted by the Statute of *Merkbridge*, cap. 24, that their Bodies should be attach'd. Had this Law been a little unreasonable, 'tis no great wonder it should pass at that time, considering the Weakness of the King, and the Power of the Lords, in whose favour 'twas made. We may remark concerning it, that the first Act to restrain the Subjects Liberty, was procur'd by those Lords who forced a Charter from the King to confirm their own Liberties. Three Reigns after this (13 Edw. 3. 17) because Men took no care to pay their Debts, 'twas provided by another Statute, that their Bodies should be attach'd. Before these Statutes, as I said, no Man's Body was attach'd or imprison'd otherwise than as aforesaid. As the Moderation of our Ancestors, in not enacting any such Laws in all the Ages that went before, demonstrates the great regard they had for Liberty; so did the Charitable and Practise of the Law afterwards fully shew how great a Punishment they reckon'd to have it restrain'd, as by these Statutes.

The Com-
mon,

Before the Reign of King James the First, 'twas allow'd, that he who died in Prison discharge'd the Debt, how great soever it was, for which he was committed: The Reason was, because they thought Imprisonment so great, that no other Satisfaction ought to be demanded after it. 'Twas the Opinion they had of the greatness of the Punishment, that made our merciful Forefathers bear with Men violating such Acts of Force to enlarge themselves, (as are not now allow'd). The Statute *de Jurgandine Prisonem*, made in the first Year of Edward the Second, enacts, "That no one shall undergo Judgment of Life or Members, for breaking out of Prison alone, unless the Cause for which the Person is imprison'd require such a Judgment. And the Mirror of Justice, which was writ before this King's Reign, where it reckons up the Abusions of the Common Law², tells us, "That 'tis an Abuse to hold an Escape out of Prison, or the Breach of the Goal, to be a mortal Offence; Forasmuch as it is warranted to us by the Law of Nature. All this cannot be wonder'd at, when we consider how great an evil Imprisonment is reckon'd, and that 'tis by Law call'd *Coercio*: *Reclusio Domestica*, *Familium*, *Virginitas*, *Domus*. He loses his House, his Family, his Wife, his Children, his Neighbours, his Company, and is condemn'd to live among wretched and wicked Men. For this Rea-

² See of *Regis* c. 5. Sec. 1.

son it is that as a Man, if he be threatned to be kill'd, may avoid a Feofment †, Gift of Goods, &c. so it is, if he be threatned to be imprison'd, or kept in Durefs; that being reckon'd to be a Civil Death, any Speciality or Obligation made by him is null in Law: and he may avoid the Action brought upon such Speciality, by pleading that it was made by Durefs.

And Statute
Law.

As the *Common Law* has shewn a great regard, so, *secondly*, -has the *Statute Law* of this Land abundantly provided for the Liberty of our Persons. This is evident from many Acts of Parliament: The first I shall take notice of is the *Grand Charter* of the Liberties of *England*, first granted in the 17th Year of King *John*, and renewed twice in the Reign of King *Henry* the Third. By that Charter it is provided, that no Freeman shall be taken or imprison'd, unless it be by Judgment of his Peers, or by the Laws of the Land: that is, by Juries who are his Peers; or by due Process of Law. That this is the meaning of those words *per Legem Terræ*, or *Law of the Land*, will plainly appear from divers other Statutes which explain those Words. In 25 E. 3. c. 4. we find 'em thus explain'd in these words: 'Whereas it is contain'd in the Great Charter of the Franchises of *England*, that no Freeman be imprison'd, or put out of his Freehold, nor of his Franchise, nor Free Custom, unless it be by the *Law of the Land*, it is accorded, assented, and established, that from henceforth none shall be taken by Petition or Suggestion made unto our Lord the King, or to his Council, unless it be by Indictment or Presentment of his good and lawful People, of the same Neighbourhood where such Deed was done, in due manner, or by Process made by Writ original at the *Common Law*; and that none be put out of his Franchises or Freehold, unless he be duly brought in to answer, and forejudg'd of the same by Course of Law: and if any thing be done against the same, it shall be redress'd and held for null. The 28th of *Edw.* 3. is very direct to this purpose; there 'tis enacted, 'That no Man, of what Estate or Condition he be, shall be put out of his Lands or Tenements, nor taken nor imprison'd, &c. without he be brought in to answer by due Process of Law. 36 *Edw.* 3. Rot. Parl. Num. 9. Amongst the Petitions of the Commons, one of them, being translated out of *French* into *English*, is thus; First, That the Great Charter, and the Charter of the Forest, and the other Statutes made in his Time, and the Time of his Progenitors, for the Profit of him and his Commonwealth, be well and firmly kept, and put in Execution, without putting Disturbance, or making Arrest, contrary to them, by special Command, or in any other. The Answer to this Petition, which makes it an Act of Parliament, is, 'Our Lord the King, by the Assent of the Prelates, Dukes, Earls, Barons, and the Commonalty, hath ordain'd and established, that the said Charters and Statutes be held and put in Execution according to the said Petition; which is, that no Arrest should be made contrary to the Statutes, by special Command.

This explains the Matter fully, and is of as great force as if it were printed; for the *Parl. Roll* is the true Warrant of an Act, and many are omitted out of the Books that are extant.

36 *Ed.* 3. Rot. Parl. Num. 30. explains it further; for there the Petition is, 'Whereas it is contain'd in the Grand Charter, and other Statutes, that none be taken or imprison'd by special Command, without Indictment, or other due Process to be made by Law; yet oftentimes it hath been and still is, that many are hinder'd, taken and imprison'd without Indictment, or other Process to be made by the Law upon them, as well of things done out of the Forest of the King, as for other things: That it would therefore please our said Lord to command those to be deliver'd who are taken by special Command, against the Form of the Charters and Statutes aforesaid. The Answer is, 'The King is pleas'd, if any Man find himself griev'd, that he come and make his Complaint, and Right shall be done unto him. 37 *Edw.* 3. c. 18. agreeth in substance, when it saith, 'Tho it be contain'd in the Grand Charter, that no Man be imprison'd, nor put out of his Freehold without Process; nevertheless divers People make false Suggestions to the King himself, as well for Malice as otherwise, whereat the King is often griev'd, and divers in the Realm put in damage, against the Form of the said Charter: Wherefore 'tis order'd, that all they who make such Suggestions, be sent with the Suggestions before the Chancellor, Treasurer, and the

† 39 Hen. 1. 65, Sec.

Grand Council, and that they there find Surety to pursue their Suggestions, and incur the same Pain that the other should have had (if he were attainted) in case that their Suggestions be found Evil, and that then Process of the Law be made against them, without being taken and imprison'd against the Form of the said Charter and other Statutes. Here the Law of the Land in the *Great Charter* explain'd to be *Process of the Law*.

From what I have here deliver'd, it appears what care both the *Common* and *Statute Law* have taken of the Liberty of our Persons; that the former abhor'd Imprisonment, and never allow'd it unless when Men had been guilty of Force, and render'd themselves Enemies to the Community; and that the latter has frequently enjoin'd that it shall not be inflicted, unless by *Indictment*, or such *due Process* as the Law requires. What we have here said will assist us in

The 2d Thing propos'd, which was to enquire whether the Power exercis'd by the House of Commons, be not an Invasion of our Legal Rights, and tends not to subvert even our Constitution? The Laws are call'd (*E. 6. f. 36.*) *The great Inheritance, and the Inheritance of Inheritances, without which a Man can have no Inheritance.* The greatest Inheritance a Man hath, is the Liberty of his Person, for all others are necessary and subservient to it. If then the H-se of Com-ns have invaded that Fundamental Liberty of our Persons, which by *Magna Charta*, and several other Statutes, as well as the most antient Customs and Laws of this Land we are intitl'd to, this will inform us how far the Powers exercis'd by them have destroy'd our Legal Rights. *Magna Charta* says, That no Freeman shall be taken or imprison'd, but by the Judgment of his Peers, or the Law of the Land: But 'tis certain, that Men imprison'd by them underwent no Judgment of their Peers, were not committed by legal Process, or by any Law that we know in this Land. I know 'twill be said, that by the words of *Magna Charta* we are to understand not legal Process, but the Law of the Land generally, and that the words extend to all the Laws in the Realm. Since then there are Laws and Customs in Parliament, and by those Customs Imprisonment is allow'd, 'twill be said in favour of the House of Commons, that they in committing People, do not necessarily destroy that Right which we have by *Magna Charta*.

'Tis true, there are Rules and Customs in Parliament, and by those Customs they have a Power to imprison: But that is a Power which extends to their own Members; such a Power is necessary within their Society, because without it 'twould be impossible to keep the Members of it to such Rules and Orders as must necessarily be observ'd by so great a Body of Men, engag'd in so weighty and important Business. Confinement here is no violation of the Right men have to the Liberty of their Persons by *Magna Charta*; that Right they all give up, and submit to the Rules of the House, when they make themselves Members of it. It must be confess'd, that this Power has been extended farther to Persons who are not Members, as in Cases of breach of Privilege, and Contempt. I shall not here take notice of the Rise of this Power, and how great a Grievance the exercise of it has been to the People of this Land; but must observe, that if a Liberty has been taken of confining those who offer'd Violence to Members in their own Persons, or in their Servants or Estates, because such Molestations, if allow'd, might give them too great disturbance, and ruin the Business of the Publick; yet it must not from hence be infer'd that the House of Commons has an absolute or unlimited Power to imprison whom, and for what Cause they please. If there are some Confinements order'd by that House, which are not, 'tis sure there may be some which are repugnant to *Magna Charta*; otherwise *Magna Charta*, and all the other Acts which design'd to secure our Liberties from the Invasions of our Kings, whose subjects we are, and to whom we owe Allegiance, have left us expos'd to the Arbitrary Will of our Fellow-Commoners, who (thanks be to God) have yet no such Rule or Dominion over us. Whether they have invaded our Rights contrary to *Magna Charta*, and in such Instances as are a Subversion of our Constitution, will be evident to us, if we look over the Catalogue of their Prisoners, and examine the Cause of their Commitment.

The five *Kentish* Gentlemen, whose Case I am now considering, were imprison'd for a Fact no more prohibited by the Laws of the Land, than praying for the King, or that God would direct the Consultations of the Parliament, to the advancement of the Safety, Honour and Welfare of our Sovereign and his Kingdoms. It would be too tedious to descend to Particulars: of the great Number which might here be taken notice of, as pertinent to my purpose, I shall mention only

The Power assum'd by the H. of Com. an Invasion of our Legal Rights.

Their Power of Imprisonment extends only to their own Members.

Kentish Petitioners not imprison'd for any Fact against Law.

two, Mr. *Paschal* and Mr. *Whitacre*. The former was sent to the Tower, and kept there to the end of the Sessions, for not giving in his Accounts after the manner prescrib'd by the Commissioners of Accounts, pursuant to an Act of Parliament. The latter was committed, and continued likewise in his Confinement, till the end of the Session, for being faulty (as the House of Commons thought) in the discharge of his Office, in an instance of taking Bail. After his Confinement, his Accounts which he had pass'd, were examin'd, and they were made another Charge against him. Whether those Gentlemen were faulty or no, it concerns not me here to enquire. Mr. *Paschal* has printed his Case, and 'tis a very hard one; the Crime for which he was sent to the Tower, was for not doing what was not in his Power to do. But tho he and others were guilty, 'tis certain that the punishing of them after that manner is nevertheless an Injury to the Publick. If Mr. *Paschal* was guilty of Contempt, and punished thus for not obeying an Act made in the Session of another Parliament, and Mr. *Whitacre* for being faulty in the discharge of his Office, may not they for the same reason charge all with Contempt who disobey Acts of Parliament, or are faulty in the execution of their Offices, and punish them after the same manner? Either they claim such a Power as this, or they do not: If they do not claim such a Power, as the Right of the Commons of *England*, then they own that they have been injurious to those Gentlemen in imprisoning them, and destroying that great and fundamental Right which they have to the Liberty of their Persons. If they do claim such a Power, they may seem to assume a Power which overthrows our whole Constitution. This will be manifest, when we consider the several Instances wherein it subverts the Laws, the Rights and Liberties of the People.

Confinement by the Commons an Encroachment on the Legislature.

First, It may be thought an Incroachment on the Power Legislative: for where the Commons are pleased to inflict such a Punishment for the violation of a Statute, as is not mention'd in the Statute, and was never design'd by the Legislators, there they may seem to assume an Authority at least equal to that of the Legislature. To create a new Punishment, and superadd it to a Law, may be allow'd to be the Act of a Power equal to that which made it; and in the present Case some may reckon it in some sense greater, since that Addition makes it a Law with a Punishment *ex post facto*, which is a Power inconsistent with the Freedom of a People. and therefore is never made use of by our Legislators.

The Rights of the King.

Secondly, It may be deem'd an Incroachment on the Power and Rights of the King. He by our Constitution has the supreme and sole executive Power: He is *Caput & Salus Reipublicæ*: The Laws are his, and the Execution of them, wherein the Safety and Freedom of his People consists, are committed to him, and those who derive their Authority from him. Wherever therefore any Part of his People take upon them to inflict Punishments without being authoriz'd by him, or, which is the very same thing, by his Laws, some may think that his Rights are thereby invaded, and his Majesty lessen'd, not only by that Invasion, but likewise by his being thereby made, instead of a Ruler of a brave and free People, a Tirular King of poor and contemptible Slaves.

And of the Kingdom.

Thirdly, Some may account this an Invasion of the Rights and Liberties of the Kingdom, and such a one perhaps as destroys Freedom, and introduces downright Slavery. It may be worth *Englishmens* while to consider, whether they can form to themselves any other Notion of a State of Freedom and Slavery, than that is the former; Men are govern'd by Laws made by their Representatives, and are liable to no Punishments but what are prescrib'd by the Laws of that State; and in the latter, that they have no certain rule to walk by, but are subject to the mere Will of one or more who claim a Power and Dominion over them. If they find these Notions true, they will do well to consider again, whether they can avoid making this Inference, that they who assume a Power to punish a People who live under the direction of the Laws, without a Rule or Law, destroy the Rights and Liberties of the People, take away their Freedom, and reduce them to a perfect State of Slavery.

How Justices of the Peace have Power to imprison Freeman.

Against what I have here said tis, I know, generally objected, that Justices of the Peace, Judges, and others, are allow'd to imprison Freeman without being impeach'd of destroying that Liberty which they enjoy by *Magna Charta*, and the common Law of this Land: Why then these Outcries against the Honourable House of Commons? The answer is very plain and easy: The former are Officers appointed by the King, who is invest'd with the whole executive Power, to preserve the Peace of the Kingdom; and the latter are commission'd to do the same,

same, and to preside in his Courts, to administer Justice to his Subjects, which tis impossible for them to do without having a Power given them to confine evil and rebellious Subjects. The lower House of Parliament is no Court, has no need of such a Power, being call'd by the King to assist him with their Counsel in Affairs of the greatest moment and weight, to bear a part in the Legislature, and to represent the Grievances of the Nation, and desire to have them redress'd; but not to redress them themselves, by taking upon them to punish Offenders. If Judges, or Justices of the Peace, or others intrusted with this Power, exceed their Commission, and are oppressive and injurious to the Subject, there is a superior Jurisdiction to appeal to for satisfaction, and Laws to determine whether Injury has been done or no: But if a House of Commons will punish thus without Law, there is no Authority or Power on Earth, from which relief may be had by Appeal, which in our Constitution is a very good reason against their having such a Power; for the Lord Chief Justice *Hussey* tells * us, that Sir *John Markham* told King *Edward IV.* that he could not arrest a Man, either for Treason or Felony, as a Subject might, because that if the King did wrong, the Party could not have his Action against him. It may be farther urg'd, that as Judges having a Power to settle and determine Property, is a reason why they should have a Power to imprison, because the one is impracticable without the other: So the House of Commons not having a Power to determine concerning Property, is a reason why they should not have a Power to imprison. *Cui non convenit minus, ei non majus convenit*, is a Maxim among the Logicians, and is a good Argument in the present Case. If the House of Commons have no Power over our Goods, then a fortiori not over our Persons to imprison them, because they are much more valuable than either Goods or Lands. This Christ himself declares, when he tells us, that the Body is more than Raiment, where by Raiment the *Canonists* understand all outward things whatsoever. Our Laws also make this clear, and give the preference to the Body. 'Tis a Rule in Law, that *Corporalis injuria non recipit estimationem à futuro*: so as if the Question be not for a wrong to the Person, the Law will not compel him to sustain it, and afterwards accept a Remedy; for the Law holds no damage a sufficient Recompence for a wrong which is Corporal. There are Cases in Law that prove this Rule. If one menace me in my Goods, or that he will burn the Evidence of my Land which he hath in his Custody, unless I will make unto him a Bond, there I cannot avoid the Bond by pleading of this Menace. But if he restrains my Person, or threatens me with Battery, or with burning my House, which is a Protection for my Person, or with burning an Instrument of Manumission, which is an evidence of my Enfranchisement; upon these Menaces I shall avoid the Bond by Plea. So if a Trespasser drive my Beast over another man's Ground, and I pursue to rescue it there, I am a Trespasser to him, on whose Ground I am: But if a Man assault my Person, and I for my Safety fly over into another man's Ground, there I am no Trespasser to him: for *quod quis in tuitione sui corporis fecerit, jure id fecisse existimatur*; what a Man does in defence of his Person, he is reckon'd to do it lawfully. Nay, which is more, the Common Law did favour the Liberty, not only of Freemen, but even of the Persons of Bond-men and Villains, who have no Right of Property in Lands or Goods, as Freemen have. The Lord by the Law could not maim his Villain; nay, if he commanded another to beat him, and he did it, the Villain should have his Action of Battery for it against him. If the Lord made a Lease for Years to his Villain, if he pleaded with him, if he tender'd him to be a Champion for him in a Writ of Right, any of these Acts, and many others, were in the Law Enfranchisements, and made those Villains Freemen. From all which it appears, that the Law has a greater regard to our Persons than Estates; which, as I said, is a good Argument why the House of Commons, who have nothing to do in regulating or determining our other Properties, should not have a Power over the Liberty of our Persons.

H. of C.
no Court.

No Recompence for
a Corporal
Wrang.

Sir *John Fortescue*, the Learned Chancellor to King *Henry VI.* writing (*de Dom. Polit. & Regal.*) of this Kingdom, saith, *Regnum illud in omnibus Nationum & Regum temporibus, iisdem quibus nunc regitur legibus & consuetudinibus vegebatur*. This saying will not sute our Times; we cannot say, that the Laws and Customs which we are govern'd by, are the very same with those by which this Kingdom

* 1 Hen. 7. Fol. 4.

*This Power
in them is
very new.*

was govern'd in the Times of all the former Kings, and the several Nations that came in hither. The Power assum'd by the House of Commons in executing Laws, and imprisoning Men, is a very new thing, and makes our present State very different from our antient Constitution. The last Year it had its beginning, when Sir Ric—d Lew—g was sent to the Tower, and kept there to the end of the Session, for telling a Friend some things that were spoken by some of the other Irish Commissioners, in their private Conversation. This Commitment, however unreasonable it seem'd to some, who knew that he was less guilty of any breach of Privilege than if he had spoken reflectingly of a Member of Parliament's Horse, yet was not wonder'd at by others who consider'd the Resuming Bill it self, knew for what end 'twas set on foot, and that they were resolv'd to strike a Terror on People, and frighten 'em from saying any thing that might endanger that Bill. That Power which began the last Year, has had a mighty growth this Session: and if it grow on at the same rate, 'tis easy to see what our Constitution will come to in a very little time. *Old Ways are the best Ways*, is a saying that has been formerly written on the Walls of the House of Commons: I could wish that 'twere now written both there, and in the Hearts of the Members, there never was so great occasion for it: for if these Innovators be suffer'd to drive on thus furiously, many who adhere to their Faction without seeing their Designs, will make themselves Parties in bringing insensibly a Calamity on this Land, which they will not be able to remedy by any after-Efforts. A very little Reflection will shew us how this may be. Should there be any Design to alter our Constitution or present Settlement, one ready way is to carry things high in the House of Commons, and to make the Orders and Resolutions there as grievous to the People as possible, that they being irrag'd at their Domination and rigorous Proceedings, may be the better inclin'd to run into another Extreme. We know what alteration they by their Acts of Power have already made in the Opinions and Affections of People; and the danger which some fear is, that, if they go much farther, they will give too many a Surfeit, and make them nauseate the Commons, who ought to be, what they reckon themselves, Trustees and Guardians of the Liberties of England. It may therefore well become good Men, who love the Happiness, Tranquillity and Liberty of their Country, to reflect seriously, and consider with themselves whether this may not be the design of some who now pretend to be mighty Sticklers and Advocates for Liberty. There is another good reason why Men should be jealous of, and make it their business to check this rampant growing Power of the lower House. 'Tis the general Voice of the People throughout this Kingdom, as we are inform'd from all the Corners of it, that Gold has carried on a great Negotiation among us. Some are of Opinion, and I must own not without a great deal of reason, that the continual Clamours which have been artificially, but upon too weak grounds raised, and the outrageous and unreasonable Proceedings which we have seen, are great Confirmations of the Truth of what has been reported. This is most certain, that where corrupt Orators (to speak in the Language of a very experienc'd Doctor *) *bring their Subtilty and Eloquence to Market*, they must follow the Instructions of him whose Pay they receive, they must set afoot Factions and Brigues, bring all the Confusion they can into their native Country, pull down the fence of the Laws, destroy the Credit and Interest of those who are ablest and most inclin'd to oppose his Designs, and in short, do whatever he requires of them. If among us there be any such corrupt Members, 'tis plain that to make themselves the more considerable, and raise the Price of their Voices, they must think it their business to study Ways and Means to afflict their Fellow-Subjects, to embarrass Affairs, and bring Confusion and Disorder into the State. One ready way therefore to defeat the Designs of such Men, will be to keep them from running into any Excesses of Lawless and Arbitrary Power, and tie them to the same Rules that directed the Actions of their wise and just Predecessors. As keeping things in this temperament, and adhering to our Constitution, will be a means to defeat the measures of a foreign Tyrant; so will it (in some Mens opinion) put an end to the Fears and Calamities of a Tyrannick Slavery brought upon us by Fellow-Subjects at home. Tyrannick Slavery did I say? Some may call it so, when in a free State, where the whole Legislative only has a Power to set down what Punishment shall be inflicted on the se-

*The great
Reason of
their Pro-
ceedings.*

veral Transgressions that are committed, a part of it assumes a Power to inflict one of the severest Punishments ; when a few who are chosen to be Trustees and Guardians of the People's Liberties, bring the People under their absolute Power, and compel them to that which is against the right of their Freedom. To be free from such Force is the only Security Men have of their Preservation, and Reason bids them to look on those as Enemies to their Preservation, who would take away that Freedom which is the Fence to it ; and so conclude that they have a Will and Design to take away every thing else, since that Freedom is the Foundation of all the rest.

From what I have here deliver'd concerning the Power of imprisoning in the lower House, tis evident, I think, that if Petitioning, as the *Kentish* Gentlemen did, had been an illegal Act, and the Punishment enjoin'd by the Law had been Imprisonment, yet it belong'd not to them to inflict that Punishment, but to make application (as they have always done heretofore) to have the Law executed against them. But if what they did was strictly agreeable to Law, this will make their Commitment a greater Violation of the Rights of the Community. That it was so, will appear, when we consider,

The second thing propos'd, *The Subject's Right of Petitioning*. This Right I take to be as large and ample a one, and what will as little bear controverting, as any thing that we can think of ; since 'tis justify'd by the Law of Nature, the Practice of all States in the World, and is allow'd by the Laws of this Land. *Subjects Right of Petitioning consider'd.*

'Tis certain that nothing can be more agreeable to Nature, and a plainer dictate of Reason, than that those who apprehend themselves aggriev'd be allow'd a liberty to approach those by Petition who know their Grievances, or perhaps are the Authors of them, and consequently able to redress them. When Men enter'd first into Society, and gave up that Right which they had to secure themselves in the State of Nature, 'tis manifest that they did it for the Preservation of Property, which is the end of Government. This necessarily supposes, and indeed requires, that People should have Property, without which they must be suppos'd to lose that by entering into Society, which was the end for which they enter'd into it. If Men enter'd into Society to preserve it, and therefore are so entitul'd to it, that (as a very Learned and Ingenious Author tells us*) *The supreme Power cannot take from any Man any part of his Property without his own Consent* : Can any Absurdity be so gross, as to imagine that Men gave up their Right to pray for Redress, if they thought themselves injur'd in their Properties ; or that the supreme Power may hinder them to pray for that which they have not a right to deprive them of ? Wherever therefore any Government is establish'd, there the Natural Right which People had to secure what was their own, must be so far at least continu'd, as to allow them a liberty to petition for what they think their Right, because this is a Privilege which they could not give up when they enter'd into Society. And where there has been no Government but the Prince's Will, even there this Right has seem'd so natural and agreeable to Reason, that it has not been denied. This might be seen in all the Arbitrary Governments of the World. In the *Roman Empire Julius Caesar*, when he was in the height of his Power, and made himself perpetual Dictator, permitted the People to represent the Hardships that were put upon them, and pray for redress. And in the Reign of other Princes who exercis'd a Despotick Power, whilst the *Lex Regia* prevail'd, *rescribere Principi*, to petition the Prince, and set forth their Grievances, was allow'd their Subjects as the natural Right of Mankind. *It is agreeable to Nature.*

If this Right be natural, the People of *England*, who have lost as little by entering into Society as any others, must have as just and ample a Claim to it as any Nation in the World. That they have a Right to represent their Sufferings, and pray for a Relaxation of them, is evident from the Opinions of our Sages of the Law, from what our Kings have permitted and declar'd, and what has been declar'd and enacted in Parliament. *People of England have as much Right to it as any Nation in the World.*

Our Books are very clear in this matter. My Lord Chief Justice *Hobart* tells † us, That it is lawful for any Subject to petition the King for redress in an hum-

* The Author of two Treatises of Government, pag. 277.

† *Wrenham's Case*, vet. Mag. Chart. Exil. Hugon. de Spencer.

ble manner; for (says he) *Access to the Sovereign must not be shut up in Case of the Subject's distress.* This Right was fully prov'd by the Learned Counsel at the Trial of the Seven Bishops, and allow'd by the Judges. It was one of the Crimes for which the *Spencers* were banish'd, that they hinder'd the King from receiving and answering Petitions from Great Men and others. And one Article against the Lord *Strafford* was, that he issu'd out a Proclamation and Warrant of restraint to inhibit the King's Subjects to come to the Fountain their Sovereign, to deliver their Complaints of Wrongs and Oppressions *.

As the Sages of the Law have told us, that 'tis our undoubted Right, so have our Kings in all Ages permitted us by Petition to inform them of our Grievances. In the Reign of King *Edw. II.* and King *Edw. III.* such Petitions were frequent, and then even *Ireland* was allow'd to represent their Grievances †, and petition for a Parliament.

Doctor *Burnet* ||, the Learned Bishop of *Salisbury*, informs us, that King *Henry VIII.* told his Subjects, when in Arms against him in *Yorkshire*, that they ought not to have rebel'd, but to have applied themselves to him by Petition.

King *James I.* by a Proclamation publish'd in the 11th Year of his Reign, begins thus: *The Complaints lately exhibited to us by certain Noblemen and others of our Kingdom of Ireland, suggesting Disorders and Abuses, as well in the Proceedings of the late begun Parliament, as in the Martial and Civil Government of the Kingdom, we did receive with all extraordinary Grace and Favour. And by another ** Proclamation he declares, that 'twas the Right of his Subjects to make their immediate Addresses to him by Petition. And in another †† he tells his People, that his own, and the Ears of his Privy Council did still continue open to the just Complaints of his People — And that they were not confin'd to Times and Meetings in Parliament, nor restrain'd to particular Grievances.*

It appears by the Lords Journals in the Year 1640. that the House of Lords both Spiritual and Temporal, *nemine contradicente*, voted Thanks to those Lords who petition'd the King at York to call a Parliament: And that King by his Declaration, 1644. declar'd his Royal Will and Pleasure, that all his loving Subjects, who have any just cause to present or complain of any Grievances or Oppressions, may freely address themselves by their humble Petitions to his Sacred Majesty, who will graciously hear their Complaints.

On Wednesday the 27th of October, 1680. it was resolv'd in the House of Commons, *nemine contradicente*, That it is and ever hath been the undoubted Right of the Subjects of England to Petition the King for the calling and sitting of Parliaments, and redressing of Grievances. 'Twas then likewise resolv'd, *nemine contradicente*, That to traduce such Petitioning as a violation of Duty, and to represent it to his Majesty as tumultuous and seditious, is to betray the Liberty of the Subject, and contribute to the Design of subverting the antient legal Constitution of this Kingdom, and introducing Arbitrary Power. On the Friday following (as we find in the same Journal) it appearing to the House upon the examination of several Witnesses at the Bar thereof, upon the evidence against Sir *Francis Withins*, as well as upon his own Confession, that he had presented an Address to his Majesty, expressing an Abhorrency to petition his Majesty for the calling and sitting of Parliaments; 'twas resolv'd, That Sir *Francis Withins* by promoting and presenting to his Majesty an Address, expressing his said Abhorrency, hath betrayed the undoubted Rights of the Subjects of England. 'Twas moreover order'd, that he should be expel'd the House, and that he should receive his Sentence upon his Knees.

Which is confirm'd by the Statute Law of the Land.

All about the Peoples Right to Petition.

This Right of the Subject to petition is farther confirm'd by the Statute Law of this Land, particularly in an Act made in the thirteenth Year of K. *Charles II.* the enacting Part of which I will here at large set down, because 'tis a plain Declaration of the Subject's Right in the Case of the Petition now under our Consideration.

'Be it enacted, &c. That no Person or Persons whatsoever shall from and after the first of August, 1661. sollicite, labour or procure the getting of Hands, or other Consent, of any Persons above the number of twenty or more,

* *Rushworth's Collect.* 721. † *Clauſ. 10 E.*
2. M. 28. pro communicate Hiberniz. || *Hist.*
Reformat. Part I. p. 231.

** *Proclam. dat. 10 July, 19 Jac.* †† *Pro-*
clam. dat. 14 Febr. 20 Jac.

to any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or both, or either Houses of Parliament, *For alteration of Matters establish'd by Law in Church or State*, unless the Matter thereof have first been consented to, and order'd by three or more Justices of the County, or by the major Part of the Grand Jury of the County, or Division of the County, where the same shall arise, at their publick Assizes, or General Quarter Sessions; or if arising in *London*, by the Lord Mayor, Aldermen, or Commons in Common-Council assembl'd: and that no Person or Persons whatsoever shall repair to his Majesty, or both, or either Houses of Parliament, upon pretence of presenting, or delivering any Petition, Complaint, Remonstrance, or Declaration, or other Addressees, accompany'd with excessive Numbers of People, not at any one time above the Number of ten Persons, upon pain of incurring a Penalty not exceeding the Sum of one hundred Pounds in Mony, and three Months Imprisonment.

Provided always, that this Act, or any thing therein contain'd, shall not be constru'd to extend to debar or hinder any Person or Persons, not exceeding the Number of ten aforesaid, to present any publick or private Grievance or Complaint to any Member or Members of Parliament, after his Election, and during the Continuance of the Parliament, or to the King's Majesty, for any Remedy to be thereunto had.

Concerning this Statute we may observe four things: First, That it allows (as Mr. Serjeant *Levins* observ'd in the Trial* of the seven Bishops, and we are taught by several other good Authorities†) that by the Law of the Land before, it was the settl'd and undoubted Right of the Subjects of *England*, to apply themselves to the King, or either, or both Houses of Parliament, by Petition, to have their Grievances redress'd. Secondly, That where it limits this Power of the Subject, and requires that the Petition shall be consented to, and order'd by three or more Justices of the County, or by the major Part of the Grand Jury of the County, or Division of the County where the same Matter shall arise, or by the Lord Mayor, Aldermen, or Commons in Common Council assembled, if it arise in *London*; 'tis only in a particular Case where the Address is for *alteration of Matters establish'd by Law in Church or State*. Thirdly, That even in this Case the Concurrence of those Persons is not requir'd, unless it be where there are more than twenty Hands to the Petition. Fourthly, That the Act extends not to Grievances or Complaints either publick or private, but that they may be presented to the King or Parliament, without any of those previous Formalities, provided that the Petition or Address be not presented by more than ten.

Having mention'd this Act, which (tho made to limit and restrain the Subject, and curtail his natural Right of Petitioning) is a full Declaration of the Peoples Right to apply themselves to the King or Parliament by Petition, for the Redress of their Grievances, and for obtaining such things as they apprehend necessary or beneficial to the Safety or Well-being of the Nation; I need not urge any other Authorities, nor take notice even of that Act pass'd since the Revolution, wherein the Rights of the People are contain'd, and that of Petitioning is declar'd to be one. 'Tis evident to any Reader of the most ordinary Capacity, that the *Kentish* Petition is warranted by the Law of the Land, and so plainly within the Letter of that Act, that those Men are forc'd to acknowledg it, who take a great deal of Pains to justify all the Proceedings of the House of Commons. Was it not then illegal, and a notorious Breach of the Liberty of the Subject, and setting up a dispensing Power in the House of Commons, to imprison Men who were not their Members, by no Proceedings but a Vote of the House, and to continue them in Custody *sine die*? A late Pamphleteer tells || us, that to say this is done by a single Vote without other Proceedings, is mere Babbling and Nonsense; for Imprisonment is the first step in order to future Proceedings, and practis'd by every single Magistrate. What does this Scribler mean? were not those Petitioners imprison'd by a Vote of the House without any other Proceedings? Was there any Indictment or legal Process to try whether they were guilty of any Trespas against the Law? For what Reason does he tell us that Imprisonment is the first step in order to future Punishment? Would he thereby insinuate that their Crime was

Observations upon it.

Kentish Petition warranted by the Law of the Land.

* Trial of the Bishops, p. 121. † Vid. the Resolutions of the Law. Coke Jurisdiction of Courts. || England's Enemies expos'd, and its true Friends and Patriots defended, p. 40.

such as might be further punish'd by Law? Their Judges in St. Stephen's Chapel knew very well it cou'd not. If it could, why were they not proceeded against? Why were they kept in Prison till the End of the Session? If they could not, why should they be imprison'd at all, since it could be in order to no future Proceedings? But he tells us that this is practis'd by every Magistrate. 'Tis true; they imprison, but 'tis to keep the Peace, and in order to future Punishment; and what they do is allow'd and warrant'd by the Law of the Land. From what I have already said in this Discourse, 'twill appear how absurd 'twould be to make this an Argument, for the Commons having such a Power as they have us'd in imprisoning those Gentlemen. The design of this Pamphleteer is to throw all the Dirt he can on the late Ministry, to bring them under the Odium of the Nation, (a Work which the Jacobites, the French Party, and Papists of England are now, and have been a great while very intent upon) and to recommend the Proceedings of the House of Commons, and the present Ministry to the People. These are the Persons pointed at in the Title of his Book, which he calls, *England's Enemies expos'd, and its true Friends and Patriots defended*. If he shew no better Judgment in discovering who deserve to be call'd the Enemies, who the Friends of England, than in laying the Charge of Babbling and Nonsense, he will do as little Service to England, in helping her to make any useful Discovery of her real Friends and Enemies, as he has done to his Friends by his poor, paltry, and palpable Flatteries. The Prince of Darkness when he goes up and down to do Mischief, and destroy the Kingdoms of the Earth, as he turns himself into an Angel of Light, so has he Emissaries *qui nigra in candida vertunt*, little Hirelings whose Task it is to call Evil Good, and Good Evil, to deceive with false Colours, that he may be the better able to destroy. To give People a little Taste of this Panegyrist's Impositions, and the Judgments he has made of Men, I will only take notice here that he commends the fair Character of Mr. *J--n H--w*, and calls him (who most certainly call'd the Treaty made by the King a felonious Conspiracy) a zealous * Patriot, and one who will not exceed his Duty; that he represents the *Spe--er* as a Person deserving the honourable Character of an honest English Gentleman, a Champion for Liberty, and a true Patriot without Disguise, Collusion, or Self-interest †; that they whose long Experience in publick Affairs gave them knowledge of the Methods employ'd by France in former Reigns to enslave Europe, are best able to prevent his Designs in this ‖; that tearing up our Constitution by the Roots, is the Work of the late Ministry **; that they have betray'd the King, and carry on Purposes destructive to the Nation ††; that if we have a *Porto Carero* in the Nation, 'tis he who has done his utmost to deliver us up to France, by investing the most Christian King with a Power to seize us; that 'tis he (meaning *L---d Hall--e*) to whom French ‖ Gold is given. Strange Effrontery! Had Sir *Bar--w Sb--er* spoken this, I should not wonder at it; he, we know, when the Lords were voted guilty of high Crimes and Misdemeanours for the Treaty of Partition, and an Impeachment was order'd, did not blush to say openly in the House that the News of it wou'd be very unwelcom at *Versailles*.

But to return from this Digression to the matter in hand. Those who cannot deny that the Subject has a Right to Petition, yet justify the Proceedings against those who deliver'd the Petition, because of its reproaching the Honourable House, and prescribing Rules to our Legislators. The Resolution of the House of Commons concerning it was, that 'twas scandalous, insolent, and seditious, tending to destroy the Constitution of Parliament, and to subvert the establish'd Government of this Realm. Before I come to a particular Examination of this Resolution, I must crave leave to make this Remark upon it, That this very Censure, and the severe Treatment of the Petitioners, shew us plainly into what Hands we are fallen. We remember very well when it was that Sir *Edw. Seymour*, then a Privy Counsellor, and some others now in Power, learned the trick of giving hard Names to Petitions. What I here hint at I will endeavour to represent in the shortest View I can, because the matter will be pertinent to the Subject I am treating of, and will give true English Men an opportunity of making some Reflections, which will be useful to us in the present Circumstances of our Affairs.

We cannot forget what great concern the Commons of England above twenty Years since shew'd for the Protestant Religion; that their Zeal to preserve it was seen in four Parliaments which were dissolv'd in a little more than the space of two Years, by reason of their warmth in prosecuting Popish Conspirators, and labouring to exclude the Duke of York, whose Succession to the Crown rais'd the hopes of Papists, and gave birth to all their Plots.

Commons of England their Zeal about 20 Years ago for the Protestant Religion.

The first was the long Parliament, which consisted of Members so devoted to the Crown, that they would have gratified it in any demand whatsoever, had not the Measures taken to destroy *Holland*, the great Friendship contracted with *France*, by the Mediation of the Duke of *York*, and the growth of Popery sour'd their Tempers, and given their Inclinations quite another Bias. After their prorogation on the 28th of *December*, 1678. which was soon follow'd by a Dissolution, the next Parliament which begun at *Westminster* on the 6th of *March*, 1679, pursu'd the same Measures to secure the Religion and Laws of England, and were for that reason prorogu'd on the 26th of *May* following.

The People of England alarm'd at this, and growing into greater Fears of the Conspiracy which the Parliament endeavour'd to prevent, sent Petitions to the King from several Places, wherein they represented the Grievances of the Nation, and pray'd for the sitting of the Parliament to redress them. I shall take notice of the Stile of one for all, viz. that of the City of *London*, wherein they set forth that there is a most damnable and hellish Popish Plot, branch'd forth into the most horrid Villanies, against his Majesty's most Sacred Person, the Protestant Religion, and the well establish'd Government of his Realm, for which several of the principal Conspirators stand impeach'd by Parliament. Therefore in such a time when his Majesty's Royal Person, as also the Protestant Religion, and the Government of the Nation are in most imminent Danger, they most humbly and earnestly pray that the Parliament which is prorogu'd until the 26th Day of January may then sit, to try the Offenders, and to redress all the most important Grievances, no otherwise to be redress'd. This Petition, which was a Roll of above 100 yards in length, was presented by Sir Gilbert Gerard, and eight other Gentlemen of good Note. They all fail'd of the desired effect, for the Parliament was dissolv'd, and none other sat till October following.

The London Petition for the Parliament's sitting in 1679.

The Men now in Power have not, it seems, forgotten how they resented those Petitions at that time. Their Measures then are the very Precedents which they copy after now. Tho'twas then the Subject's Right to petition, as I have shewn it is now; tho the Petitioners took care to keep within the Bounds of the Law, yet a Proclamation issu'd out on the twelfth of *December*, 1679. to prohibit such illegal and tumultuous Petitioning, as tending to Sedition and Rebellion. Besides, care was taken to prevail upon their Friends to procure Counter-addresses, wherein the Subscribers express their Abhorrence of Petitioning.

These Measures that were taken to run down this Right of the Subject, and to subvert the Constitution of Parliament, together with the Displeasure conceiv'd against some Men of great Posts in the Law, and Figure in the Civil State, for acting illegally, and giving pernicious Counsel (as the Commons were pleas'd to term it) to his Majesty, occasion'd very warm Votes and Resolutions in the next Parliament, which, after many Prorogations*, sat on the 21st of *October*, 1680. and continu'd sitting to the 10th Day of *January* following.

Within six Days after their Meeting, (viz. *October* 27th) immediately after they had agreed upon an Address to his Majesty, wherein they express'd their Resolution to pursue with a strict and impartial Enquiry the execrable Popish Plot, they proceeded to Votes about Petitions. Then, as I observ'd before, 'twas

Votes of the H. of C. concerning Petitioning, 1680.

Resolv'd, nemine contradicente, That it is, and ever hath been, the undoubted Right of the Subjects of England, to petition the King for the calling and sitting of Parliaments, and redressing Grievances.

Resolv'd, That to traduce such Petitioning as a Violation of Duty, and to represent it to his Majesty as tumultuous and seditious, is to betray the Liberty of the Subject, and contributes to the Design of subverting the antient legal Constitutions of this Kingdom, and introducing Arbitrary Power.

* The former Parliament being dissolv'd, Writs were issu'd forth for another to sit at Westminster the 17th Day of December, 1679. from thence prorogu'd to the 26th of January, from thence to the

15th of April, thence to the 17th of May, thence to the 1st of July, thence to the 22d of the same, thence to the 23d of August, thence to the 21st of October.

Order'd, That a Committee be appointed to enquire of all such Persons as have offend-
ed against these Rights of the Subjects.

The next Day (October 28.) Sir Francis Wythens, as I observ'd before, being found guilty in this particular, they voted him a *Betrayer of the undoubted Rights of the Subjects of England*, and order'd him to be expel'd the House. The City of London, having petition'd the House against Sir George Jefferys their Recorder, and it being refer'd to a Committee, they pass'd this Vote on the 13th of November following :

Resolv'd, That this Committee is of opinion, that by the Evidence given to this Committee, it does appear that Sir George Jefferys, Recorder of the City of London, by traducing and obstructing Petitioning for the sitting of this Parliament, hath betrayed the Rights of the Subject. To which the House agreed, and 'twas order'd, That an humble Address be made to his Majesty to remove him out of all publick Offices. They further order'd likewise, that the Committee should enquire into all such Persons as had been advising or promoting of the late Proclamation, stil'd a *Proclamation against tumultuous Petitioning*. The Grand Juries of the Counties of Somerset and Devon having express'd their Detestation of such Petitioning, the House on the nineteenth of November, order'd that the two Foremen of the said Juries, and two others should be sent for in Custody of the Serjeant at Arms to answer for breach of Privilege (as they call'd this Abhorrence of Petitioning) by them committed against the House. The next Day they voted that one Thomas Herbert Esq; should be sent for in Custody, for prosecuting John Arnold Esq; at the Council Table, for promoting a Petition, and procuring Subscriptions. To them they added two others upon the same account, whom they call'd *Betrayers of the Liberties of the Subject*.

They im-
peach Sir
Francis
North, &c.
for advising
Proclama-
tions a-
gainst Pe-
titioning.

On Wednesday the fifth of January, the Commons order'd an Impeachment against Sir Francis North Chief Justice of the Common-Pleas, Sir William Scroggs Chief Justice of the King's-Bench, Sir Thomas Jones one of the Justices of the same Bench, and Sir Richard Weston one of the Barons of the Exchequer. Sir Francis North's Crime was, that he (as appear'd by the Confession of the Attorney General before the House, on Wednesday the twenty fourth of November) was advising and assisting in drawing up and passing the Proclamations against tumultuous Petitions. Against Sir William Scroggs, and Sir Thomas Jones there were a great many Complaints, which occasion'd many Resolutions of the House, and Votes against them. One of the great Complaints was, that when the Grand Jury which serv'd for the Hundred of Ossulston in the County of Middlesex, attended the King's-Bench with a Petition, which they desir'd the Court to present in their Name to his Majesty for the sitting of that Parliament, the Chief Justice said he would dispatch them presently; that they took it ill to have a Petition offer'd to alter the King's Mind contrary to his Proclamation: That when there were several Presentments against Papists * and other Offenders, they discharg'd the Grand Jury four Days before the End of the Term, which was never done before. This Act they voted *Arbitrary, Illegal, and a high Misdemeanour*, several Days † before this Impeachment was order'd. One of Mr. Baron Weston's great Crimes was, that, in an extraordinary kind of Charge given the Assizes before at Kingston (in the County of Surrey) he inveigh'd very much against Farel, Luther, Calvin, and Zuinglius, condemning them as Authors of the Reformation, which was against their Princes Minds; and then adding to this purpose, || *Zuinglius set up his Fanaticisms, and Calvin built on that blessed Foundation: and to speak Truth, all his Disciples are season'd with such a sharpness of Spirit, that it much concerns Magistrates to keep a streight hand over them; and now they are restless, amusing us with Fears, and nothing will serve them but a Parliament. For my part I know no Representative of the Nation but the King **; all Power centers in him. 'Tis true, he does intrust it with his Ministers, but he is the sole Representative; and 'faith he has Wisdom enough to intrust it no more in these Men, who have given us such late Examples of their Wisdom and Faithfulness.* These words (which were

* Among which there was a Bill against the Duke of York for not coming to Church.

† 22d of November.

|| We see the Grand Artifice then was to represent all who wou'd not do what the Courtiers then wou'd

have them, as Fanatics.

** Nor did any of his Kidney know any other in those Days; but now, the King being chang'd, all Power is made to center in the House of Commons.

witnessed by several Persons, some of whom put them immediately in writing) made the Committee before whom they were prov'd come to this Resolution, That the said Expressions in the Charge given by the said Baron Weston, were a scandal to the Reformation, in Derogation of the Rights and Privileges of Parliaments, and tending to raise Discord between his Majesty and his Subjects.

Two days after that the Commons agreed * upon impeaching these Great Men of the Law (who every one came under the publick Censure for appearing Abhorrrers of petitioning for the sitting of the Parliament) they fell into other Votes, which shew'd what it was they wanted a Parliament for. Upon a Message sent to them from his Majesty, they came to these several Resolutions following.

* Resolv'd, That 'tis the Opinion of this House, that there is no Security or Safety for the Protestant Religion, the King's Life, or the well constituted and establish'd Government of this Kingdom, without passing a Bill for disabling James Duke of York to inherit the Imperial Crown of England and Ireland, and the Dominions and Territories thereunto belonging: And to rely upon any other Means or Remedies without such a Bill, is not only insufficient but dangerous.

Resolutions in the same concerning the Duke of York.

† Resolv'd, That his Majesty in his last Message having assur'd this House of his Readiness to concur in all other Means for the Preservation of the Protestant Religion, this House doth declare, that until a Bill be likewise pass'd for excluding the Duke of York, this House cannot give any Supply to his Majesty, without danger to his Majesty's Person, extreme Hazard of the Protestant Religion, and Unfaithfulness to those by whom this House is trusted.

Resolv'd, That all Persons who advis'd his Majesty in his last Message to this House, to insist upon an Opinion against the Bill for excluding the Duke of York, have given pernicious Counsel to his Majesty, and are Promoters of Popery, and Enemies to the King and Kingdom.

After these General Resolutions, they ran into severe Votes and Resolutions against Geo—ge E. of Hal—ax, H—ry Ma—qs of Wor—er, H—ry E. of Cla—on, Law—ce H—de Esq; Le—s E. of Fev—am. A Motion was also made for an Address to his Majesty, to remove Ed—rd Sey— or Esq; from his Majesty's Council and Presence, but it was adjourn'd to the Monday following, which was the Day on which the Parliament was prorogu'd. The Reason perhaps why they did not press this Motion, was because they had agreed upon Articles of Impeachment against him, upon other scores, just twenty days before.

Their warm Proceedings, and their insisting upon that particular Method to secure the Protestant Religion, occasion'd not only the Prorogation of this Parliament on the 10th of January, but of the following Parliament likewise at Oxford, which met the 21st of March, and was dismiss'd on the 28th as soon as they read the Bill of Exclusion brought in there. On the 10th of January the House of Commons, knowing that they were to be prorogu'd, before the Prorogation came to several Resolutions, two of which I shall here take notice of.

1. Resolv'd, That whosoever advis'd his Majesty to prorogue this Parliament to any other purpose than in order to the passing of a Bill for the Exclusion of James Duke of York, is a Betrayer of the King, the Protestant Religion, and of the Kingdom of England, a Promoter of the French Interest, and a Pensioner to France.

2. Resolv'd, That the Thanks of this House be given to the City of London, for their manifest Loyalty to the King, their Care, Charge, and Vigilancy for the Preservation of his Majesty's Person, and of the Protestant Religion. This Care and Concern which the City of London shew'd for the Protestant Religion, in that time of imminent danger, appear'd in many Instances, and in two particularly, which the House thought did then deserve a grateful Acknowledgment, first in

* Viz. January the 7th.

† For the better understanding of this Place, we are to take notice, that his Majesty in a Speech which he made on the 15th of December, promis'd them (as he takes notice he had done before) to concur with them in any Remedies for securing the Protestant Religion which might consist with preserving the Succession in its due and legal Course of Descent. The Commons in a long Answer to this Speech on the 18th of December tell him, That no Interruption of that Descent has been endeavour'd by them, except only the

by the wicked Instruments of the Church of Rome, has been manifestly perverted to their Religion; that his Succession is utterly inconsistent with the Safety of his Majesty's Person, the Preservation of the Protestant Religion, and the Property, Peace and Welfare of his Protestant Subjects. On the 4th of Jan. he sent them another Message, wherein he tells them that he is sorry to see their Thoughts so wholly fix'd upon the Bill of Exclusion; that he is confirm'd in his Opinion against that Bill, &c. This occasion'd the Resolutions of the 7th of January, set down here.

petitioning the King for the setting of that Parliament; secondly, in voting an Address to his Majesty to declare their Loyalty, and to petition him that the Parliament might sit until *Protestantism was secur'd*.

Having given this Account of the Proceedings both of the Courtiers and House of Commons, the one to run down, the other to assert the Subject's Right of Petitioning in those days; I must crave leave to take notice of what pass'd afterwards, because 'twill be of use to us in the Matter I am now treating of.

K. Ch. II.
issued a Declaration of
the Causes
of his dis-
solving the
said Parli-
aments.

After the Dissolution of the *Oxford* Parliament, the King publish'd a Declaration, wherein he vouchsafed to declare the *Causes and Reasons of his Actions to his People*. It might very well be imagin'd, that after the People had so universally petition'd for the sitting of the last Parliament at *Westminster*, to secure their Religion and Liberties, which the Conspirators were now attacking with the utmost Vigour, they would be more than a little alarm'd to see that and the succeeding Parliament at *Oxford* so soon dissolv'd, and that deny'd them which they thought the only Security for their Religion. He begins therefore with telling them, that 'twas with exceeding great Trouble, that he was brought to dissolve the two last Parliaments. 'Twere well that those who in their Votes concerning the *Kentish* Petition, shew'd that they have not forgotten the Spirit of the Courtiers at that time as to their Abhorrence of Petitioning, had remember'd their other Resentments, express'd in this Declaration, as the Reasons for dissolving that Parliament.

One Complaint is, That the Commons made arbitrary illegal Orders, for taking Persons into Custody for Matters that had no relation to Privilege of Parliament. Was it at that time arbitrary and illegal to take those degenerate Wretches into Custody, who publish'd under their Hands Abhorrences of Parliaments, and of those who in humble and lawful Manner petition'd for their Sitting in a time of such extreme Necessity; and is it not now so to imprison and confine Men for doing their Duty to their King and Country, no otherwise than the Law prescribes? Is it a greater Breach of Privilege to shew a Letter written by Sir *Ed—rd Sey—* or, than, in compliance with a strange arbitrary illegal Proclamation, to run down the Subject's Right of Petitioning; and thus in effect, to strike at Parliaments themselves, and endeavour to wound the Constitution? What would Mr. *Bo—n* have said to this? Surely he must have blush'd to see his old Friends, whose Interest he then serv'd, running down the Commons Power of * imprisoning, exercise such Acts of Power as were never heard of in *England* before. *Tom Sheridohn*, who labour'd in the same Cause, and wrote against that Power of the Commons, which he felt in his own Person, with as much Warmth as 'twas possible for *Bo—n* to do, did he see these things, would be able perhaps to behold them with little Astonishment. He knew the Frailty of Human Nature, and carry'd much of it about in his own Body: for after he had taken a great deal of Pains (as all the royal Scribes of those times, and his Religion did) in decrying *Fanaticism* and *Republican* Principles, in crying up *Episcopacy* and the Church of *England*, and rescuing the Minds of Men from those groundless Fears of *Popery*, which were running them into Measures pernicious to the Duke his Master's Interest; he saw, poor Man, *Popery* rampant, and a *Popish King in England*; he saw the Bishops, and (which he could not but wonder at) was glad to see them, in the Tower; and, which must be the greatest wonder of all to such a zealous Churchman as he was, he saw himself a *Papist*. It would therefore be now the less surprizing to him to see his old loyal Friends turn'd downright *Republicans*, and as violent in the House of Commons for illegal and arbitrary Imprisoning, as they were against that, and all other Power in the Commons.

Another Complaint in the Declaration, and a Reason given for dissolving those Parliaments, is their strange illegal Votes, declaring divers eminent Persons to be Enemies to the King and Kingdom, and desiring to have them remov'd from the King's Council and Presence, without any Order or Process of Law, any hearing of their Defence, or any Proof so much as offer'd against them. The Persons here pointed at in the Declaration are very well known, so is the Crime for which they are declar'd Enemies to the King and Kingdom. Time has shewn whether those Parliaments had reason to express their Resentments against those Men who adher'd to the Duke of *York's* Interest. Had they been less warm for him, they had perhaps been kinder to their Religion and Country. 'Tis certain that extraordinary Artifices were made use of to support his Interest. Such I may call this very Declaration, which tho it wa

* Reflections on a Pamphlet stil'd, A just and modest Vindication of the two last Parliaments, P. 56, 57, &c. reckon

reckon'd for very good * Reasons; to be contriv'd by a great French Minister, tho it came not out under the Great Seal, and was only subscrib'd by Francis Gwyn the Clerk of the Council, yet was read publickly in the Churches. Such I may reckon the Addresses contriv'd and sent up by Men of the same Leven with the former Abhorers: Wherein some † ascribe it to his Majesty's Wisdom and Sovereign Authority, that we are not relapsing into the Miseries and Confusions of Tyranny and Usurpation, by the subtil Artifice and cunning Contrivance of the old Enemies of the Monarchy || and the Church. Others, ** That it is the Kingdom's Interest to continue the Succession in its due and right Line; and take upon them to thank his Majesty, †† for his unalterable Resolutions to preserve the Crown in its due and legal Course of Descent; and undertake to sacrifice their Lives to preserve the King's Heirs and lawful Successors: |||| And offer their Lives and Fortunes to his Majesty's Disposal for this Purpose. It must be astonishing as well as surprizing in those days, that when Petitions had been not only discountenanc'd, but forbidden by Proclamations, Addresses should so soon after be encourag'd and promoted; especially when we consider that the Petitions were in reference to Matters which every body understood, and in relation to things wherein the Law justifi'd the Petitioners: whereas Addresses respected Matters which very few understood, and which the Law no way authorizes private Men to meddle with; and which none save a Parliament have Power to decide or determine. If change of Parties in St. Stephen's Chappel make it not astonishing to us, now to see a House of Commons treat Gentlemen so severely as this has done, for presenting a legal Petition, when another House has call'd others to account for expressing their Abhorrence of petitioning; yet it must seem a little strange to see those who promoted Addresses to the King to secure the Interest of a Popish Successor, imprison so many Gentlemen of Worth and Note in their Country, for addressing them, and praying in the most difficult Times we ever fell into, that our Religion and Safety may effectually be provided for, and that a King, who under God has preserv'd the Protestant Religion, may be enabl'd to assist his Allies, and consequently preserve our Religion and Liberties. But if nothing of this be strange, is it not a little amazing to compare some Mens Proceedings against others, with those Remonstrances to the Nation publish'd in the Houses of God, where they complain of Eminent Persons being voted Enemies to the King and Kingdom, and address'd against to have them remov'd from the King's Council and Presence, without any Order or process of Law, any hearing of their Defence? Were such Votes and Addresses greater Hardships in the Reign of a King, who made it his Rule to heap Favours on those who were under the Displeasure of the House of Commons, than they are under a Prince, whom the Commons reckon oblig'd in a manner to comply with them in all their Desires?

From what I have said it appears when, and upon what Account the Subject's Right of Petitioning was run down. As the Petitions offer'd by the People were for the sitting of the Parliament, and that to have their Religion and Liberty secur'd in a time of great and manifest Danger: So were the Abhorrences of those Petitions set afoot, four Parliaments dissolv'd, the King's Declaration containing the Reason of it publish'd in Churches, and the Thanksgiving Addresses to his Majesty afterwards procur'd, to defeat the Measures then taken for the Preservation of our Religion, and to secure the Duke of York's peaceable Succession to the Crown. If there be any who consider, that those who have a concern for the Protestant Religion, must apprehend at least as much Evil from King James or his Family's returning now, as from his Succession at that time; and that as it is of as great Importance to the Affairs of France to have him on the Throne, or Confusion

Right of
Petitioning
why run
down.

* The Declaration was not communicated to the Privy-Council, till the 8th of April; but Monsieur Arillon, the French Ambassador, read it to a Gentleman the 24th of April, and advis'd with him about it. The Gallicisms speak it to be French, for it introduces the King saying, It was a Matter extremely sensible to us, a Form of Speech peculiar to be French. Besides, the Dutcheß of Mazarine publish'd the Dissolution at St. James's, several Hours before it was done. Vid. Just and Modest Vindication of the Proceedings of the two last Parliaments.

† Address from Rye in Suffolk.

|| This was the old Cant to draw in the Church-party to their side, to make them believe there were evil Designs against the Monarchy and the Church. That they may keep up a Title to the useful Cant, they themselves increase the number of those Enemies.

** Address from the County of Somerset. †† Address from Cambridg, Rippon, Western Division of Suffex. |||| Address from Hereford. Address from Monmouth.

in *England*, as then it was; so Count *Tallard* must be as industrious in taking Measures to serve his Master, as Mr. *Barillon* was in those days: It must be a very melancholy Reflection to them, to think how differing the Temper of the Commons of *England* now is from what it was then; and to see the Power in their Hands, who were in all those Court-Measures which, I'm afraid, have not yet had their worst Effects.

Good-natur'd People, who are as far from being suspicious of others, as they are from Evil Designs themselves, do, I know, judg those Men too severe in their Censures, who think that in the Treatment of the *Kentish* Petitioners there were the same Regards and Designs that were formerly in their Abhorrences and Addresses: Or that this was done to gratify Count *Tallard*, and, by striking a Terror to prevent the People from running universally into Petitions and Addresses, and conjuring up a Spirit in the Nation which might be very prejudicial to his Master's Affairs. 'Tis true indeed, they do and must own that 'tis hard to account for the Severity of their Proceedings: That when the Law has in express Words provided that People may petition the Parliament, they should place such an Affront on the County of *Kent* (I should say the whole Kingdom of *England*) as to imprison their Delegates after the manner they did. If every part of the Petition was not so nicely worded as they would have it, would it not be sufficient to reprove them for it? Would no less Punishment than Imprisonment do? If any of their own Members be at any time tax'd for speaking amiss, they are suffer'd to explain themselves; why should not they allow others to do the same? If there was any thing in the Petition which the House thought a Reflection, one of the Gentlemen told Sir *Theophilus Ogle*—*rp* they would declare at the Bar of the House that 'twas what they did not design, and would ask Pardon for it; but nothing would serve that Plenipotentiary's turn but to have them declare that they were sorry for presenting the Petition, which they never would do. That which gave Offence was, calling their Addresses Loyal: If they were Loyal, it could be no Reflection to call them so; if they were not, they had reason I confess to think it a Jeer, and at the same time they ought to confess that 'twas what they deserv'd. It is most certain that the Design of the Gentlemen who signed that Petition, was to serve their Country by it, which they did effectually: the Methods then that they made use of must be such as they thought properest for that end, wherefore the Goodness and Sincerity of their Intentions must silence every thing that can be said against their way of expressing themselves. The Censure of the Commons is very severe, they tell us the Petition is *scandalous, insolent, seditious, tending to destroy the Constitution of Parliament, and subvert the establish'd Government of this Realm*. By the Harshness of the Expressions, a Man would think that this Petition were an Address to a King, or a Remonstrance that charg'd him with a felonious Conspiracy, or making a Treaty in its own Nature unjust. How can it be scandalous or insolent for so considerable a Branch in the *English* Nation to present an humble Petition to their Delegates, and pray their Attornies (as Members were formerly call'd) to take care of the Business they intrusted them with? How can it be seditious to shew an extraordinary and unparallel'd Zeal for the King, to pray that he may be enabl'd to assist his Allies, and that God may long continue his propitious and unblemish'd Reign over us? How can it tend to destroy the Constitution of Parliament, and subvert the establish'd Government of this Realm, to pray to have those things done, which are absolutely necessary to prevent our falling into the Hands of those Enemies who will certainly destroy the Constitution of Parliament, and subvert the establish'd Government of this Realm? The last *Westminster* Parliament in the Reign of King *Charles II.* resolv'd *, *Nemine contradicente* (as I observ'd before) 'That to traduce Petitioning as a violation of Duty, and to represent 'it to his Majesty as tumultuous and seditious, is to betray the Liberty of the Subject, 'and contributes to the Design of subverting the antient legal Constitution of this 'Kingdom, and introducing Arbitrary Power. This Parliament resolves, that the *Kentish* Petition tends to destroy the Constitution of Parliaments, and to subvert the establish'd Government of this Realm. 'Tis very strange that to traduce Petitioning, and to Petition should both tend to subvert the Constitution. If it be the undoubted Right of the Subject to petition, 'twill be very easy to determine

Severity against the *Kentish* Petitioners hard to be accounted for.

Censure of the H. of C. of the Petition severe.

* 27th of October, 1680.

which of the two Resolutions is rightest ; and if we compare the former Inclinations of a Party with their late Proceedings, 'twill be evident to us, how the last Resolution happens to be wrong. But 'tis said, that there is something particular in the Petition which justfys this Resolution ; the Petition directs the House of Commons, and tells them what they shall do ; this, they say, is insolent, and tends to destroy the Constitution of Parliament, and to subvert the Establish'd Government of this Realm. Very strange ! Can any Man, or Body of Men, offer a Petition to others, that is not liable to the same Censure ? Does not their Petitioning plainly say, that they think themselves aggriev'd ? Does not their Prayer direct those to whom they address, what they are to do ? But how this Petition of the Grand Jury, Justices of Peace, and Freeholders of the County of Kent, can be said to tend to destroy the Constitution of Parliament, and to subvert the Establish'd Government of this Realm, is to me very difficult to conceive. Had this indeed, which is an humble Petition, carry'd Authority and Power in it ; had they pretended to a Right to command the House of Commons to do what they would have them, I can't see how even such an assuming Address as this could bring our Constitution into any great hazard. Should the whole Freeholders of the County of Kent join unanimously in such an Address, yet would the Power and Authority of the Representatives of the Freemen of England, and the Constitution of Parliament, rest very secure in the Judgment of the rest of the People, who would never justify such an usurp'd Authority.

An usurp'd Authority I call it, and must subscribe to that, as what I take to be very moderate and just, which Colonel Algernon Sidney says in that Discourse which cost him his Life ; (a) ' I believe, says he, that the Powers of every County, City and Borough of England, are regulated by the General Law to which they have all consented, and by which they are all made Members of one Political Body—Among us every County does not make a distinct Body, having in it self a Sovereign Power, but is a Member of that great Body which comprehends the whole Nation. 'Tis not therefore for Kent or Suffex, Lewis or Maidstone, but for the whole Nation that the Members chosen in those Places are sent to serve in Parliament : And tho it be fit for them as Friends and Neighbours (so far as may be) to hearken to the Opinions of the Electors for the Information of their Judgments ; and to the end that what they shall say may be of more weight, when every one is known not to speak his own Thoughts only, but those of a great Number of Men ; yet they are not strictly and properly oblig'd to give account of their Actions to any, unless the whole Body of the Nation for which they serve, and who are equally concern'd in their Resolutions, could be assembled. This being impracticable, the only Punishment to which they are subject, if they betray their Trust, is Scorn, Infamy, Hatred, and an Assurance of being rejected when they shall again seek the same Honour. But tho a part of the Freeholders of England cannot impose their Commands on the Representatives of the Whole, yet may they represent any private or publick Grievance ; nor can I see how the doing this can tend to destroy the Constitution of Parliament. The meaning of those who tell us that it does, must be this, that some Peoples complaining in behalf of the Publick, may probably influence others, and thus occasion Petitions from all parts of the Kingdom. What if it should do so ? What if far the greater part of the Freemen and Freeholders of England should send Petitions, and represent Publick Grievances ; how can this tend to destroy the Constitution of Parliament ? If there be any Law which forbids the People to address, or give any Instructions to their Delegates, the doing so must be own'd to be against Law ; but 'tis not a Trespass, which (to speak in the Phrase of a certain Patriot) can pull up our Constitution by the Roots. But we are told, that by the Constitution of our Parliament, the Members are left to the Freedom of their own Debates, and are to act without controul ; they therefore who take upon them to intermeddle in their Business, invade that Freedom, and consequently our Constitution.

They who tell us that the Representatives of the Freemen of England have such a Freedom as this, and are to act without controul, cannot sure mean that they have delegated their whole Power to them, so that 'tis free for them to do whatever they please, without any regard to the Inclinations or Interest of those who employ them. 'Tis not to be suppos'd that he who takes what Servant he pleases,

Col. Sidney's Opinion of a Parliament.

Representatives cannot act without controul.

(a) Discourses concerning Government, Sect. 44. Pag. 451. Edit. 1.

is oblig'd to suffer him to do what he pleases. The Knights, Citizens and Burgesses, sent by the People of *England* to serve in Parliament, have a Trust reposed in them; which if they should manifestly betray, the People, in whom the Power is more perfectly and fully than in their Delegates, must have a Right to help and preserve themselves. Were not this so, the Condition of those who act by Delegates would be worse, and their Freedom less than that of other States; which I think is not so in the reckoning of Mankind.

The *Achaïans*, *Etolians*, *Latins*, *Sannites* and *Tuscan*, formerly did, as now the United Provinces of the *Netherlands*, the *Swissers* and *Grisons* do, transact all things relating to their Associations by Delegates. The *Athenians*, *Carthaginians*, and *Romans* kept, as the *Venetians*, *Genoeses*, and *Lucccheses* do now, the Power in their own hands. These all, as the above-nam'd Honourable Author (b) observes, were and are equally free. But 'twould, I think, be very improper to reckon them so, unless we suppos'd that the Power committed to their Trustees remain'd still in them.

Delegates
oblig'd to
follow the
Directions
of their
Electors.

That the Power arises and is fix'd here, and that the Delegates reckon themselves oblig'd to follow the Directions of those who chuse them, is evident from the practice of other Countrys, whose Governments had the same Origin with that of *England*. The Deputys or *Procuradores* of the several Parts of *Castile* did in the Cortez held at *Madrid*, in the beginning of *Charles* the Fifth's Reign, excuse themselves from giving the Supplys he desir'd, because they had receiv'd no Orders (c) in that Particular from the Towns that sent them; and afterwards receiving express Orders not to do it, they gave his Majesty a flat denial. The like was frequently done during the Reigns of that Great Prince, and of his Son *Philip* II. The same way was taken in *France*, as long as there were any General Assemblies of Estates; and if it do not still continue, 'tis because there are none: For no Man who understood the Affairs of that Kingdom, did ever deny, that the Deputys were oblig'd to follow the Orders of those who sent them.

In the General Assembly of Estates held at *Blois* in the Time of *Henry* the Third, *Bodin* then Deputy (d) for the Third Estate of *Fernandois*, by their particular Order, propos'd to many things as took up a good part of their time. Other Deputys alledg'd no other Reason for many things said and done by them, than that they were commanded so to do by their Superiors. These General Assemblies being laid aside, the same Custom is still us'd in the lesser Assemblies of Estates in *Languedoc* and *Brittany*. The Deputys cannot, without the Infamy of betraying their Trust and fear of Punishment, recede from the Orders given by their Principals. The same Method is every day practis'd in the Diets of *Germany*: The Princes and great Lords, who have their Places in their own Rights, may do what they please; but the Deputys of the Cities must follow such Orders as they receive. The Histories of *Denmark*, *Sweden*, *Poland* and *Bohemia*, testify the same things.

Ld Coke's
Account of
the old Con-
stitution of
Parliament.

This appears to have been the Constitution of *England*. 'Formerly, said my Lord Coke (e), in the Writs to the Sheriffs for the election of Commons, the King signify'd, that by the Advice of his Council he called them together about some weighty Affairs that concern'd himself, the State and Defence of his Kingdom of *England*, and the Holy Church, and requir'd them to chuse such Men as would promote those Affairs; that for want of such a Power, and by an improvident Election, the aforesaid Business might not be left undone. The Business that requir'd their meeting was publish'd in the Writs, that the Commons and Freemen might consider what they thought convenient to have done, and that they might chuse proper Delegates, and direct them as they thought fit. This I take to be the Reason why 'twas always the Custom at the meeting to declare the Cause of Parliament, which in ancient Time, says (f) he, was shew'd in the Chamber de peint, or St. Edward's Chamber: That the Persons elected being more fully inform'd of the Business to be transacted by them, might be able to give their respective Countries timely information of it, in order to receive their Directions therein. In this Opinion we may be confirm'd by what that great Sage of the Law tells us in another place. 'When any new Device is propos'd on

(b) Sidney of Government, p. 451.

(c) Vida de Carlos 5^{to} de Sandoval.

(d) Hist. Thuan.

(e) 2d Instit. fol. 9, 10.

(f) 2d Instit. fol. 8.

the King's behalf, says (g) he, the Commons may answer, That tendred the King's Estate, and they are ready to aid the same, only in this new Device they dare not agree without Conference with their Countries.

Since then in our Constitution the Delegates of the People have reckon'd that they had a Trust repos'd in them by those whom they represented, and that they were oblig'd to make their Will the Rule of their Actions; 'twill be very hard to conceive how it can tend to destroy this Constitution, to pray them to have a regard to the Voice of the People. If they faithfully discharge the Trust repos'd in them by the Country, 'twill be impossible at any time to procure a Petition signed by such a number of Gentlemen as those of the County of *Kent*, which may any way seem to arraign their Proceedings; but if their Management bring them under the suspicion of the Nation, the People who have a Right to preserve themselves, must be allow'd a Liberty to let them know, in civil and respectful Terms, what is the Voice of the People, and what they think the Necessities of the Publick. In such a Case 'tis impossible for all to represent the Publick Grievances together; some therefore must begin, and they who address first, when there is a good Reason for it, deserve the Thanks of the Whole. 'Twas impossible that such a considerable Body of Gentlemen as the *Kentish* Petitioners, should conspire together to affront the House of Commons; they knew what they did was done in the Eyes and Face of the Nation, that such an Act of Folly and Madness must bring them into the lowest degree of Contempt with the People of *England*. They thought therefore what they did was a Duty which they ow'd their Country in that great and nice Juncture; whether it was so or no, will appear from

The third and last Member of this Discourse, which is to shew what Reasons those Gentlemen had to petition.

'Twas notorious to them, and all the World, that our Affairs were at that time in a very dangerous and melancholy Posture. They knew that *France* has a long time aim'd at the Universal Monarchy: That as she has Maxims in her Government which are very well calculated for such great Designs; so by her carrying on a Ten years War against the powerful States confederated against her, they saw that she has Force to support her in those Enterprizes. If her Power was formidable when she march'd out only in her own Strength, it must be very terrible to her strengthen'd with the Union of no less a Power, than that which two Ages before grasp'd likewise at the Empire of the Universe. 'Tis true indeed, those Dominions were not bequeath'd to her; but being given to one of the House of *Bourbon*, who must live under the Guardianship, be protected by the Power, and govern'd by the Counsels of *France*, she must necessarily and of course have the same command over their Wealth and Force that she had over her own. This was an early Effect of the *Spaniard's* Will: for tho in the beginning the *French* Party among us endeavour'd to make us believe, that *France* would be in no better condition than 'twas before, because the Duke of *Anjou* would forget his Father's House, and be govern'd only by *Spanish* Counsels; yet the contrary was evident at the Time those Gentlemen deliver'd that Petition. They saw that the *Milaise* was deliver'd up to her; that the strong Holds of the *Spanish* *Netherlands*, where she have a long time reckon'd the Bulwark of *England*, and have spent vast Treasures and Blood to keep them out of her Hands, were all in the possession of her Troops: And not only so, but that the Administration of all the Affairs of *Spain* were given up to her.

Besides this, they saw how great a Breach has been made in the Protestant Religion since the beginning of the last Age: That the Kingdom of *Bohemia*, which was almost wholly Protestant, is now intirely Popish: That in *Poland*, *Austria*, and *Moravia*, the Protestants who were a Moiety of the People, are utterly destroy'd: That their Destruction is almost compleated in *Hungary*: That the *Newburgers* from zealous Protestants, are turn'd deadly Enemies of the Protestant Religion: That the *Palatinates* are wasted with Persecution, and the *Saxons* their Neighbours are so far from being able to succour them, that they are in danger from their own Prince: That in *France*, where they were powerful enough to carry on several great Civil Wars; and in *Piedmont*, where their Numbers were much greater in proportion to the Countries; and in *Flanders*, *Bavaria*, *Bamburg*, *Cologne*,

The Reasons of the Petitioners in their so doing.

1st. The growing Greatness of France.

The Breaches made in the Protestant Religion.

Wartzburg, and *Worms*, where they were very numerous, their Religion is totally extinguish'd. All this was a very melancholy View; and that which made it more so, was to consider that *France* (which out of regard to her own Interest, the greatest and indeed only Obligation in the World to her, was oblig'd by all means possible to destroy the Northern Herefy, she having made this the Foundation on which she built her Hopes of Universal Monarchy) was now in a new Friendship and Alliance with the fiercest Zealots of the Church of *Rome*, the *Spanish* Clergy, Men whom 'twas her business to gratify, and whom she could not gratify more, than by contriving severer Methods to torture and destroy Heretics.

Every one
might see
the Interest
of England
in such a
Juncture.

In such a Juncture as this, 'twas easy for a very weak Capacity to see what it imported *England* to do in order to secure her own and *Europe's* Liberties, and to prevent the utter extirpation of the Protestant Religion both at home and abroad. 'Twas evident that *France*, which had made such Advances already, wanted nothing to make sure of the Universal Monarchy, but only to confirm her self in the Dominions of *Spain*; and as evident it was that every day she continu'd unmoasted in her new Acquisitions, her Strength must grow prodigiously, so that in a little time it must be insupportable. In that Case she had leisure and opportunity to settle her new Dominions, to discover the Weakness of their Fortresses, as well as Policy, and to repair both; to learn the Temper of the several Provinces, and to consider how they might be secur'd, and by what Governours; to make the best provision that was possible for defending *Milan*; and (which has been a long time one of the high Reaches of her Ambition) to get into a quiet possession of all the strong Holds in *Flanders*. Besides this, there was another inestimable Benefit which she reap'd by the Quiet that was indulg'd her. Whilst those who a long time check'd her growing Greatness, patiently endur'd this new Union of Power; what could the other Nations of the World think, but that this unconcernedness proceeded either from an inward Satisfaction that *France* had acquir'd such Power, or a despair of breaking it, and restoring the Ballance again? The natural Consequence of either Reflection must be to resolve that 'twas their Interest to submit, and indeed to make their Court to a Power which was likely to meet with no opposition. 'Twas this that made the *Spaniards*, and the People of their Provinces, tamely suffer one of the House of *Bourbon*, which they hated, to take possession of their Dominions: 'Twas this made other States enter into Neutralities and Alliances, which they would have refus'd, had not the quiet and peaceable Conduct of others govern'd their Inclinations. Having once fix'd their Resolutions, 'tis to be fear'd we shall find them adhere too obstinately to what they have engag'd to *France*, and resolv'd with themselves. If Honour be not sufficient to influence them, and keep them steady to the Side they have chosen, even Interest may help to do it now; for the Notions of that alter, when Men have new model'd their Thoughts, and let their Heads run upon other Schemes.

Eyes of the
World fix'd
upon Eng-
land.

In that great Juncture, when the Season was for making the earliest and best provision for securing the Liberties of *Europe*, the Eyes of the World were all fix'd upon *England*. 'Twas she who had always kept the Ballance; and she only having it now in her Power to determine whether it should be preserv'd or no, other Nations were to observe her Motions, and take their Measures from her. None could doubt, that if she had enter'd betimes into a firm League with the *Emperor* and *Holland*, 'twould have presently produc'd a Confederacy strong enough to humble *France*, which was grasping at things much beyond the reach of her Power, in that feeble and weak Condition she was reduc'd to by a long War and evil Conduct. 'Twas therefore undoubtedly the Business of *English* Ministers to advise the calling of a Parliament, immediately upon the news of the *Spaniard's* Death, and of the Parliament to address the King to make Alliances. Had this been done, *Portugal* would have thought it her Interest rather to enter into Alliances with them, than make her self a Party in establishing the Throne of the Duke of *Anjou*, who when he is establish'd and made one with *France*, will certainly set up his Title to *Portugal*. The Duke of *Savoy* then would have consider'd, that it was by means of the Equilibrium between the House of *Austria* and *France* that his Ancestors preserv'd their Dominions; he would have consider'd likewise, whether 'twas worth his while to make his Sons Beggars, or Soldiers of Fortune, for the sake of aggrandizing his Daughter. This will be the Acquisition of his Battels if they be successful; for when the *Milanese*, and both the *Sicily* are in the hands of *France*, his Dominions will be necessary to her for Commu-
nication

nication. The Pope then probably would have reflected on the Affair of the *Corsi*, the Extension of the *Regale*, the four Propositions advanc'd at *Paris*, and all the enormous Attempts against the Dignity of the Head of the Church in the Person of Pope *Innocent XI.* and would perhaps have declar'd for the Emperor, had he had such Encouragement to do it. Nor is it improbable that the Republick of *Venice* would do the same; she could hardly avoid considering betimes, that the Neighbourhood of *France* prov'd so fatal to her in the small number of Years that *Lewis XII.* enjoy'd *Milan*, that he reduc'd her to greater Extremities than any other War, even that of the Turks, ever did. A Consideration so powerful with that wise Republick, that tho the vast Power of the House of *Austria* under the Emperor *Charles V.* might have given her just grounds of Jealousy, she would never lend her Ear 'to any Proposition of *Francis I.* Successor to *Lewis XII.* Had things been upon a right foot in *England*, 'tis very probable that the Duke of *Bavaria*, and his Brother the Arch-bishop of *Cologn*, would have remembred the Obligations laid upon them, at least their own Interest; and that the former would have taken Measures which would make the War much easier than 'twill be. In that Case the People of *Spain*, and their Provinces, would, if they did no more, keep up their old Resentments against *France*, which in a convenient Season would render them very useful to the Confederates. The *Germans* would consider what Danger they were in of having a Prince, grown so great by the Accession of the *Spanish* Dominions, carry his Arms into *Germany*, where he has great footing already, and challenge all the States which compose that great Nation as part of the Succession of *Charlemaign*, of which he and other Kings of *France* have already declar'd themselves Heirs. In this Case some (as the Chapter of *Cologn* seems very lately to have done) would consider that in an Hereditary Empire, there would be no more Colleges, nor Diets, nor Chapters: Others, that 'tis a vain thing to dispute about Prerogatives, and to make *France* judg of the Dispute, whose Arbitration must turn to the Ruin of the Empire. And the result of these Reflections would be to enter into Measures agreeable to them.

These probably had been the Resolutions of those Foreign States, at least of some of them, had not the Management of *England* discourag'd them to that degree, that they must arraign themselves of Rashness and Folly, if they had taken those Measures which they themselves knew were most for their Interest.

Things being in this state, 'tis very plain that the Gentlemen of *Kent* had a great deal of reason to pray the House of Commons to have a Regard to the Voice of the People, that our Religion and Safety might be effectually provided for, and that his Majesty by Supplies might be enabled to assist his Allies. The Voice of the People was then every where loud for War; there was scarce any so weak as that they could not see that no Provision could be made for our Religion or Safety without it. 'Twas manifest that *France*, after she had been a while settled in her new Dominions, would be able to overcome *Holland* whenever she pleas'd. *Holland* being over-run, 'twas easy to see that *England* being spoil'd of her Trade by that Revolution, and the Union of the two great Kingdoms, must soon follow her Fate.

The *French* Party indeed told us, and (which among other things occasion'd some Reflections) the House of Commons seem'd to some to be of their Opinion, that our Security might be sufficiently provided for by a good Fleet. 'Twas a very fond Opinion to imagine that we, who in conjunction with *Holland* were the last War insulted upon our own Coasts by the Fleet of *France*, and another time had probably been ruin'd by them, had not the Heavens been favourable to us, should be able, after the loss both of our Trade, and the Assistance of the *Dutch*, to maintain a Fleet big enough to secure us from a Power so exorbitant as that of *France* would then be. A Powerful Fleet are words that sound plausibly in the Mouths of those People, who are for having our Arms to be as little grievous as may be to *France*, and they serve to amuse and impose upon weak People; but Men of Understanding must allow this to be a very uncertain Security. This was the only Provision for our Safety, which the Parliament for a long time seem'd inclin'd to allow us.

Whatever Matter was offer'd that seem'd to have the least tendency to a War, was violently oppos'd by the *Sp-ker, Mu-ve, Sey-r, Sbo-r, Fi-ch, H-w, Ha-rt*, and all those who were intirely in the Interest of that Party. This Aversion they plainly discover'd in the beginning of the Session, when on the 14th of February,

What gave cause for these Gentlemen to petition.

A good Fleet not sufficient Security to us.

War violently oppos'd by the ruling Party of the House of Commons.

immediately after the King had made his Speech, they came to the Resolution, *To stand by and support his Majesty's Government, and take such effectual Measures as may best conduce to the Interest and Safety of England, the preservation of the Protestant Religion, and the Peace of Europe.* We cannot but remember what Debates arose upon this last Clause, and with what difficulty 'twas carried by 181 against 163; and that the Reason why it was oppos'd was, because 'twas plainly declaring for a War. Here it was that the Prejudices began against that Party in the H—se, and this laid the Foundation for the great Suspicions that follow'd afterwards. 'Twas amazing to all those who could discover no possible means to preserve us but by a vigorous War, to see such a great number of the Representatives of the Freemen of England, labouring for that which of all things in the World France most desir'd, and would give any Money for. Nor was this the Voice of that Party in the H—se alone, but all without Doors who were of their Faction, and all who had any bias to France, or the St. Germain Family, were every where industrious and noisy in decrying a War, and setting forth the Inconveniences of it. But that which gave the melancholiest Reflection of all, was to find that those who were thought to have the sole Direction of publick Affairs, were in the same Sentiments.

Their Sense express'd by the Author of the Ballance of Power.

These spoke their Minds freely upon that Subject, as we have been told, so did their Friends; and the saying of one Gentleman in a great Station to Count *Vratislau* the Emperor's Minister, ought to be remember'd: What their Sense was, the Author of the three Essays told us before the Parliament sat; the manner of his expressing it speaks it to be publish'd with their Allowance, and those who know his Conversation with them, were perswaded it was. *If any among us (says he) seem at present willing to embrace peaceful Counsels, and to decline entering upon immediate Action; 'tis not that they doubt themselves, or dread the adverse Strength, or that their antient Enmity to France is buried in Oblivion. — They are not so apprehensive of coping with any foreign Strength, as they are fearful they shall be compell'd to enter into fresh Conflicts with the Enemies of England, whom they had almost subdu'd, &c. Their Ears can never endure the Cries of the Poor for want of Work, &c. (a).*

Reflections upon it.

'Tis a monstrous Tenderness and Compassion, which can endure rather to see Popery and Slavery display their Banners in this Land, than to behold the Calamities which a new War must bring upon their Country. If he can see how they can be kept out without a War, he sees things in quite another Light than what any honest *Englishman* does. One would think he thought but slightly of the Calamities of a War, when he tells us, that one of the greatest things to be dreaded in it is, that 'twill bring those Men into play again, who never gave us the least suspicion of their being in any other Interest than that of their Country. 'Tis very easy to perceive what his Designs are, both in running down those Men, and labouring to give us a dismal Idea of a War: But he and his Friends tell us, that his Book shews him to be plainly for a War. 'Twas cunning in him to say something, for fear of falling under the rage of an injur'd Nation; and 'twas Policy to grant him a Dispensation to do it, lest by being too plain in handling an odious Subject, he might put it out of his Power to do any Service for the future. He seems sometimes to write for a War, but (which shew'd his Inclination) voted against it amongst the 161: he ought indeed, he said, to do otherwise, but *Ja—k H—w* smil'd so pleasantly upon him, that he could not divide against him. When he speaks for a War, 'tis very coldly, and in other Places he takes care to destroy the Force of what he said; in one place he tells us (b), *That we can reap little from a War, but the Perils and Losses with which 'tis like to be attended.* This is but a small Encouragement to it. In another, he is afraid such a Debt will be at last contracted, and most of it abroad, *as in time must impoverish and sink England* (c). What then must we do? Why, all *Englishmen* ought seriously to consider this Reflection which *Macchiavel* makes, *That when a Prince or Commonwealth arrives at that height of Reputation, that no Neighbour, Prince, or People, dares venture to invade him (unless compell'd by indispensable Necessity) he may do what he pleases* (d). In all probability, says he, the French are now arriv'd to this formidable pitch of greatness, unless the Spaniards shew more Courage than has appear'd in any Measures they have taken these last hundred Years. If this be so, that the Pow-

(a) *Essays upon Ballance of Power*, &c. pag. 80. &c. p. 77. (c) *Ibid.* p. 87. (d) *Ibid.* p. 72. 81, 82. (b) *Essays upon the Ballance of Power*,

er of the French is grown too great to be resisted, and we have no hopes but from the Spaniards taking good Measures, we are in a very miserable Condition. But hold, he shews us some hopes yet. If they can so prevail, as to make their young Prince become a good Spaniard; if they can divide him from French Counsels—if the quiet Reception he is like to find, make French Counsels, and French Supports no longer necessary to him, those Fears will be somewhat allay'd, which we now labour under, (a). But are there any hopes that 'twill be so? Yes sure, very great; he gives us promising Hopes of his Person, and that a martial young Prince, if he be endow'd with any share of his Grandfather's Conduct and Wisdom, may put Spain in a better Condition than it has lately been, to oppose France in any Attempts it may hereafter make upon the Liberties of Europe.

O wonderful Contrivance to serve his Masters, and persuade England to lay aside all thoughts of War! Could he expect to do it by such little fetches as these, to scare a great and warlike People with his paltry representations of the Power of France, or to lull a wise Nation asleep with such a silly prospect of Security? Yet this is one of the great Machines which Count Tallard the chief French Engineer in England has made use of, not only to bomb great Ministers, and every thing he has a mind to reduce to Ashes, but to batter down all the strong Holds and Fortresses of our Religion and Liberties. This is he that is caref'd by the great Men of our own Court; this is he that is employ'd to teach young Gentlemen the business of the Nation; who is to tell them in Print a little before the Session begins, what they are to do the next Session. If this be our Condition, that the weighty Affairs of the Kingdom must be manag'd by Senators, who are to learn their Wisdom from such a Wretch as this, in Charity we ought to pray for them, in the Language of our Saviour, *Forgive them, for they know not what they do*; but for our selves, in those which we write over the Doors of Pest-houses, *Lord have Mercy upon us*. If he, who in times of the greatest Danger, when it most nearly concern'd France to try the Power of her Gold in England, has been highly courted by her Tallard, and given very great demonstrations of his Zeal to gratify the Ambition of that Kingdom, can make himself an Interest, not only to be protected in his Insolencies, but to be courted likewise by a Party, and besides all this, to have the Honour confer'd upon him, of being made the Leader of the Blind; 'tis easy to see what in a short time must be our Doom: that between the Management and Conduct of Men of too much Intrigue, and too little Understanding, we must fall under the Dominion of French Tyranny and Popery. This the Kentish Gentlemen thought they had Reason to fear, would be the Effect of the Measures taken by our Parliament, before they offer'd their Petition. To descend to the particulars of their Proceedings, which brought them under the so universal Censure and Displeasure of the People, would be too invidious an Undertaking, and raise this little Discourse to a much greater bulk than I design'd. My intention is only to shew, that the Gentlemen had Reasons to offer their Petition at that time. If one or two good ones are sufficient to justify them, and they may be taken notice of without any great Offence, I must desire my Reader to rest satisfy'd with my mentioning them. Matters that are nicer, and will not so well bear touching, I leave to be handled by Men of more Penetration, whose Fears (I will not say Concern) for the Publick are greater perhaps than mine are. If those Petitioners were really persuaded that French Gold had any influence in the management of publick Affairs, 'twas a sufficient Reason for them to endeavour by such a Petition, either to make the Ho—se of Com—s take other Measures, or to dispose the other parts of the Kingdom to follow their Example. That they were of this Persuasion, we have very good Reasons to believe. We know what one of the five Gentlemen said in a very publick Place, some Weeks before the Petition was offer'd, to Sir Fr---cis Ch---ld, a Member of Parliament, concerning the Inclination of the House of C—s to serve the French King. 'Tis not probable that that Gentleman would have been so bold to speak openly, to a Member who was intirely in the Interest of that Party which he suspected, words which the other call'd Seditious, if he had not reckon'd it a Service he ow'd his Country, in a very great and dangerous Crisis. About the time they petition'd, this Suspicion was grown so universal, that what a Gentleman told Sir Ed---rd Sey---r in Hampshire, near the time the Parliament rose, that we were bought and sold,

The Misery of our Condition if these prevail.

The Petitioners were afraid that French Gold had an influence on our Management.

(a) Ibid. p. 73, 74.

was the Voice of the People every where. This Jealousy must run very high, and there must sure be good grounds for it, when a very great Lord could say, in a very August Assembly, just two days after that Petition was deliver'd, that some things that were done, shew'd that there was *Fr---ch* Mony in the Case. But this was not all. Those Gentlemen saw, as I observ'd before, that not only all the leading Men of that Party, which bore sway in the Ho---se of Com---ns, but some leading Men in the Nation likewise, us'd all possible endeavours to drive People from the thoughts of War. This those Gentlemen, and the bulk of the People thought the greatest Service that could be done to *France*, and that the certain Consequence of that would be, that in a little time we must be content with what Religion, what Liberty, and what Trade *France* would be pleas'd to allow us. This being their sense of things, 'twas a sufficient Reason for them to do what they did. What a happy Nation should we be, if others would imitate them in their Zeal, and virtuous Concern for the Publick! Now is the time for *Englishmen* to shew themselves. Things are brought to the highest Crisis that ever was seen in *Europe*. *France* plainly designs the Universal Monarchy: 'Tis War only that can determine, whether she shall have it or no. If she prevail, our fate is manifest, we must come under the Dominion of *French* Popery and Tyranny. If she miscarry, the Misery and Devastation which she will bring into her Kingdom, will be greater than, perhaps, she may be ever able to surmount. In this Case *England* will not only continue in possession of her Religion and Liberties, but become the greatest Nation in this Western World. What our Fate shall be, depends upon our Management now. 'Tis plain, that without a War we are undone, so we may be with it, if those who have the Management of publick Affairs, should happen to be in the Interest of the abdicated Family, or common Enemy, or should be under the old Prejudices against the *Dutch* which were bred in the late Reigns. We know what suspicions we have had, and what grounds there were for them; this makes it absolutely necessary, that the Nation represent it self anew. 'Twould be very surprizing to see the present *Par---nt* sit again, when a great Party in it has given such Umbrage to the Nation; when they were thought (as far as it was possible for them to venture, without plainly discovering themselves, and becoming too notorious) to do all that *France* could desire to have done. If their Conduct throughout the Session was such as made it evident, that their Address to the King, towards the latter end, was only design'd to prevent their Dissolution, or secure their Election if they should be dissolv'd; 'twould be as strange to see this *Par---nt* continue, as 'twill be to see some chosen again, if it should be dissolv'd. 'Tis upon that Election the Fate of *England* depends: if care be taken to chuse Persons, who love our present Protestant Settlement, and have no manner of Bias to *France*, or the abdicated Family, nothing can prevent the Ruin of *France*, and *England's* being made a great and flourishing Kingdom.

A P P E N D I X.

A. A List of such Members of this present H— of C—, as refus'd the Voluntary Association in 1695.

SIR J—es Eth—dge.
Lord H—de.
J—n M—nst—n.
H—y Fl—ng.
J—n Tr—m.
Fr—s Gw—n.
Anth—y H—nd.
Sir E—d S—ur.
J—n Gr—il.
Th—s Str—ys.
Th—s Fr—ke of Dorset.
R—d F—nds.
J—n H—w.

R—d H—w.
Th—s Br—ton.
P—r Sb—ly.
Sir J—n B—lles.
G—rt D—en.
Sir R—rt J—son.
H—ge F—ncb.
Sir E—d N—ris.
Th—s R—ley.
J—es B—rty.
J—n K—ston.
Sir J—n Tr—an.
H—ry H—mes.

Sir J—n L—son G—re.
Sir H—nry G—gb.
J—n L—knor.
W—m Br—ley.
Fr—s Gr—il.
Sir Ch—r M—ve.
R—rt B—rty.
W—m H—vey.
H—ry P—nil.
S—l Sw—ft.
R—s B—ley.
Sir J—ry J—rys.
Sir J—n C—ay.

B. Names of the Persons committed by the House of Commons this Session.

To the Tower.	JOHN Parkhurst, Esq; John Paschal, Esq; William Cotesworth, Esq; Samuel Shepherd, Esq;	
To the Gatehouse.	Mr. William Colepeper. Mr. Thomas Colepeper. Mr. David Polhill. Mr. Justinian Champneyes. Mr. William Hamilton.	These were first taken into Custody of the Serjeant at Arms, and after sent to the Gatehouse.
To Newgate.	Mr. Lawrence. Mr. Glover. Mr. Edward Martyn. Mr. John Dunmal. Mr. Clayton. Mr. Perks. Mr. Story. Mr. Jeffreys. Mr. Bourman. Mr. Mason. Mr. John Newark. Mr. Marsh. Mr. Bransby. Charlwood Lawton, Esq; Mr. Alexander Cutting.	Mr. William Adye. Mr. Edw. Allen. Mr. Julius Samborne. Mr. Joseph Wimbleton. Mr. Warham. Mr. John Haysham. Mr. William Clifton. Mr. Edw. Whitacre. Mr. John Whitbrough. Mr. James Buckley, Jun. Charles Mason, Esq; Mr. James Buckley, Sen. Thomas Terry.

Some Reasons for an Annual Parliament, as the best Security for English Rights. Together with the Qualifications requir'd in a good Member of Parliament.

Printed in
1702.

Offer'd to the Consideration of all Electors of Parliament-Men.

S I R,

Suppose no body has forgot that at the beginning of the Revolution, in the Act which was made for declaring the Rights of the Subject, after the Grievances reckon'd up, it says, that for redress of all Grievances, and for the mending, strengthening and preserving of the Law, Parliaments ought to be held frequently; which must mean frequent Parliaments, and not frequent Sessions of the same Parliament, or our Constitution is but little amended by that Act. Our ancestors understood the Necessity and Wisdom of having frequent Parliaments. Alfred, as you may see in the Mirror of Justice, Chap. 1. Sect. 3. ordain'd, that the Parliament should meet every Year twice, or oftner if need were. There are many Statutes in Edward the Third's time, that a Parliament should be held once a Year and oftner if need be. That Act is no less than three times reiterated in his Reign. Acts of the same import are made in Richard the Second's; and these Acts were made when Prorogations, and long Continuances of the same Parliaments

Prerogatives
which
King retains.

Frequent
Parliaments
necessary.

The Expediency
of
Annual
Parliaments.

liaments were not in Use. *Henry Sixth's* Reign was the first in which Prerogations began at all to be made for any time, and they were but very little used till *Henry the Eighth's* time: But the usual way formerly was to call a Parliament, at least once a Year, and as soon as their Buiness was done, to dissolve them. They adjourn'd themselves for some short time, but the King did not prorogue at pleasure. That this was the constant Practice, I appeal to the Parliament Rolls; but I don't so much dote upon Antiquity, as to desire to revive that Practice, unless I can prove it reasonable and advantageous. I think it is very much so in the present Juncture. It cannot be unknown to K. W. how much he has been Libel'd, because so many of his Officers were in the House. Those that wish him ill, have hit the Blot: But it has disgrac'd him with those that wish him well. It is fit the King should chuse whomsoever he thinks fit to serve him in his Employments; but it will be a matter of Scandal, if the People think their Representatives are bought off, whether by Places or Pensions. But if they are chosen Annually, it will not easily be believed that an unfair Bargain can be struck with them. Our Taxes will be less heavy whilst we think our Representative Affeniors pay their Proportion. How just the Clamours and Suspicions of Mankind are, I don't determine; but I know they are great, and by every body, and every where believed, and that by this course they would be avoided. If the Accusations are well grounded, if Votes are purchased by Places, or most of the Members should be more than ten times reimbursed their own shares of the publick Payments; then indeed the Safety, and very Being of our Constitution would be struck at, our Fundamentals would be debauch'd, our House of Commons would become a Parliament of *Paris*, to do as the Court would have them, and nothing but what they direct; *Scotch* Lords of the Articles would be as it were introduc'd by a Court-Gabal; and Membership would become a Preferment for Life, &c. But whatever the malicious say, I am not willing to believe these things have of late, or will be attempted. I am only desirous that it should be made apparent for the future in every Parliament that sits, that there is no likelihood that it is Debauch'd, and that will be made apparent by Annual Parliaments. But to lay aside the peculiarity of our present Case, let me treat of it under a general Consideration. And I will endeavour to shew the Expediency of Annual Parliaments; and that I shall endeavour to make good by the Nature of Parliaments, and of their Delegations; by which it appears that the Members are delegated by their Electors, to supply their Places, in advising, treating, consulting, and determining upon the Great and Important Affairs of the Nation, which appear and are upon the Stage, in that Juncture wherein the Parliament is summon'd. When such a Parliament is continu'd longer than answers the present Occasion for which they were summon'd, great Inconveniences may and are likely to follow. A Man may be fit to represent me in one Juncture, whom I might very reasonably judge unfit to do it in another. A Man may be qualify'd to advise, consult and determine about the Improvement of Trade, and the Manufactures of the Nation; and yet may be unfit to offer Advice in the great Affairs of Peace and War. A Man may have Knowledge enough to act in such Matters, who may want Integrity, faithfully to represent, and procure redress for Grievances, which will be springing up in any Government. When Parliaments are annually chosen, we can chuse our Representatives, with an Eye to the present Circumstances of Affairs, and the present Exigences of the Nation: But when the same Parliaments are continu'd upon us, we are put upon the unreasonable Task, of prophetically chusing Men fit to represent us amidst the unforeseen, and unexpected Accidents, and Affairs which may fall in, so long as the Prince and his Ministers think fit to continue the Parliament then summon'd. Besides, when the Buiness of the Nation has been as it were monopoliz'd for many Years, then whensoever we have the Opportunity of electing a new Parliament, we are put upon the same necessity of chusing a Knave skilful in the Rules of the House and Parliamentary Laws, as we are sometimes in private matters of chusing one that is expert in Pleadings, and the Methods of the Common-Law, though we are not satisfy'd of his moral Honesty: whereas if every Body had their Turn, in a little time all the principal Free-holders would be instructed, and directed in the Interest of their Country.

A Power
in the Per-
sons chusing
to revoke
their
Choice.

Again, Delegation imports in its own Nature a Power in the Person, or Persons, who delegate, to revoke it at his or their Pleasure, and can be continued no longer than during the time, and particular Occasions for which it is granted; and is understood to be no longer in being, than the Constituents think fit to continue it. And Delegates are always upon their good Behaviour.

When

When Parliaments are not annually chosen, but continu'd during the Prince's Pleasure, longer than the present Exigency for which they are call'd, the Nature of a Delegation, and the undoubted Privileges of those that chuse them, are quite alter'd and overturn'd, and the Delegation is perpetuated; tho it should appear that the Delegates are unfit for it, or unfaithful under it. From Delegates whom we our selves have empower'd, they become absolute Masters; or if Delegates still, they are transform'd from being the People's Delegates and Representatives, into the Prince's Delegates and Creatures. By every repeated Prorogation the People's Commission is cancell'd, and their new Being is deriv'd from the Prince his Will and Pleasure, and measur'd out, and continu'd, according to their humble Compliance with what is demanded from them.

Again, Annual Parliaments are best futed to a limited Monarchy (which I hope all *Englishmen* think the best) Annual Parliaments contribute most to the Ease, Safety and Glory of the Prince, as well as to the Security and Happiness of the Subject: By Annual Parliaments a Confidence is begotten betwixt the Prince and the People; the Prince can scarce demand that which the People will refuse, when the People have a Confidence in him, and nothing contributes so much towards that Confidence as Annual Parliaments. I say again, they remove all the Jealousies which People retain of having their Representatives debauch'd, which will be suspected when Parliaments are continu'd; they are a Curb upon designing Ministers, who for selfish and sinister ends may be for endeavouring to embroil the King and his People, and many times have prov'd very uneasy and ruinous to Princes. They remove Grievances before they get to such a height as to pinch the People hard, and occasion such loud and unmannerly Complaints, as have many times oblig'd Princes from a mistaken point of Honour to refuse their Redress, and so have engag'd them in unnecessary Disputes with the People; which have lessen'd the Figure, Glory and Power of some of our Princes, both here at home, and amongst their Neighbours, more than any other thing in the World. Whereas when a King of *England* does meet his People in Parliaments Annually chosen, he may reasonably expect to find them fraughted with fresh Desires to unite him closer with his People, to assure him of their Confidence and Affection, and to give him earnest of it, which placeth him in the height of Power, Reputation and Glory. For a King of *England*, encircld with a confiding Parliament, is then in his Imperial Lustre, more glorious than any Monarch of the East; then he infallibly becomes the Terroure of his Foes, the Stay and Support of his Friends, and the Joy, Comfort and Darling of his People.

As to the People, the continuing of the same Parliament is a more fatal, and likely to be a more successful way to blow up all our Liberties, than either *Quo Warranto's*, *Regulations*, or any other Methods practis'd in the two last Reigns, of which we complain'd so loudly, and with so much Justice. A Prince may more certainly bribe, than *Quo Warranto* or *Regulate* Parliaments. The Nation will be awaken'd at those irregular steps: But a King may seem to proceed according to Form, when he continues that Parliament which he has made his Pensioners. King *Charles* the Second was his Arts-Master in this point: He was no Enemy to a long Parliament, whilst he had a long List of many of their Names, of whom a certain Great Man can give a good Account.

It will add Weight to what I said, if we find it the Practice of the greatest, wisest, and most renown'd Nations, to make Provision for the Frequency and Rotation of their Diets and Parliaments. And that the most Glorious and Victorious Princes of those Nations have met most frequently with their People in Parliament, I shall not instance from our own History; I suppose no *Englishman* ignorant how frequently our *Edwards* and *Henries* put a stop to the course of their Victories, to meet their People in Parliament. Have not the People of *Spain* made most careful Provisions for the frequent meeting of their States, with Securities and Cautions peculiar to themselves, and much more exact than what other Nations can pretend to? And have not the greatest and most victorious of their Kings been the readiest to enlarge their Privileges, and most exact in observing them? Their *Sancho's*, their *Henries*, their *Ferdinands*, and their *Charles's* were as careful of meeting their People in their Diets, as of subduing and conquering their Enemies: And it is observable, that King *Charles*, who was most exact in meeting his People frequently, rais'd the Monarchy of *Spain* to its highest pitch of Strength and Glory; and his Son *Philip*, who offer'd at a Despotick Power, and abhor'd the meeting with his People, did first clipse the Glory of that Monarchy, and threw it into that Decay and Consumption,

Qualifications of a Parliament-Man.

under which it laboureth to this Day. Did not the *French Nation* upon their Conquest of, and Settlement in *Gaul*, now *France*, establish the frequent meeting of their States? And the most victorious of their Princes have been most exact in meeting of their People, oftner than Annually, as may be instanc'd in their *Clovis*, their *Pepin*, *Charlemaign*, and the Successors of *Hugh Capet* for several Ages. And the *Lewis* the Eleventh, and most of his Successors, have endeavour'd to suppress the States, and render'd that Monarchy Despotick, yet it has furnish'd ground for so many Commotions, Tumults, Leagues and Rebellions, as have not only frequently put a stop to the Course of their Victories, but unravel'd all their Successes; and the Subjects have many times return'd with Interest the Encroachment of their Princes upon their Liberties, and reduc'd that Monarchy to the last Gasps; and the Struggles of the People of *France*, and Parliament of *Paris*, during the Minority of this present King, to recover their lost Liberties, join'd with many other Instances which their History affords, do plainly demonstrate the tottering and dangerous Condition of all Despotick Governments. Again, what Miseries and unspeakable Calamities was *Germany* expos'd to; full of Civil Wars and Discords within, by the Competition of Princes for the Empire; harass'd and depopulated from without by the *Hungarians*, *Slavonians*, *Vandals* and *Danes*; to all which no Remedy could be found, but by the Establishment of frequent and annual Diets, by the Golden Bull in *Charles* the Fourth's time; wherein the absent Princes, Imperial Cities, and *Hans Towns* who send their Deputies, take special Care of changing the Deputies every Diet, lest they should be brib'd, and gain'd by the Imperial Ministers. By this wise Provision for frequent Diets, Peace was settl'd at home, Competition of Titles for the Imperial Dignity was extinguish'd, foreign Invasions repress'd, and the whole Body preserv'd in Health and Vigour: In a word, their Annual Diets were an invincible Barrier against the Inundations of the *Turks* on the one side, and the Encroachments of the *French* on the other. And it is that only which has preserv'd them from being swallow'd up betwixt these two troublesome Neighbours. I do omit to instance from *Holland*, *Switzerland* and *Poland*, which have hitherto been preserv'd invincible, by the frequent Assemblies of their States.

The Qualifications of a Parliament-Man. Now I have briefly deliver'd my Thoughts for Annual Parliaments, give me leave to set down what I think the great and indispensable Character or Qualifications of a Parliament-Man; and they are these, Sense, Courage, and Integrity.

1st. *Sense.* Sense has divers Acceptations; but that Sense that is requir'd to capacitate a Man for serving usefully within those Walls, is not the Learning of Universities, but the Knowledge of *England*: A Sense of Liberty, of what is meant by our Rights and Properties: A Sense of our Laws and Interest, of the Nature of our Government, of our Trade, of our natural Strength and Welfare. It cannot be deny'd but that the comparing of the Histories of other Nations, the reading over the Systems of Policy, and the Lives of the Great and Exemplary Patriots of Liberty in all Countries, mightily enlarge their Understandings, and adorn the Great Speakers in that Assembly; but if a Man has not reduc'd all that to the Use of this Island, he has not the Sense requisite for this Post. If his Head is ever so full of the Ideas of foreign Constitutions, if he is not wise as to our Home Matters; if he has travel'd ever so far for Experience, if he is a Stranger to the Isle of *Britain*; he may make a Loquacious Politician, a Florid Orator, a Statesman in Speculation, but he will never make a Venerable Member of our Parliament. A Man that understands but well our *English* Manufactory, the natural Products of our Country, the Ballance of Merchandizing, what Importations and Exportations are to be prohibited or encourag'd, what are the Grievances the People complain of, which of them are reasonable to be redress'd, and what are the proper Methods of doing it; he that knows how much we can give, what is fit to be given, and can examine how what we have given is laid out, is more fitly qualify'd for our Senate-house, than if he could discourse of Government, better than all those learned Men, who pretend so nicely to understand and distinguish the several sorts. If the Counties and Corporations have any thing particular in relation to their Counties or Corporations to be represented, they ought to chuse one that understands the Nature of what they would have represented, or that is at least capable of being thorowly instructed in that Matter. But at the same time that they chuse one for their particular purpose, they ought to consider that he votes for the whole Commonwealth, and therefore they must not chuse any Man that is addict'd only to their

Inter-

Interest, but should always deliberate whether he is of a publick and universal Spirit, as well as a proper Advocate for them. But this will come in more properly, when I speak concerning Integrity.

The next Qualification is Courage: Altho the Word Parliament signifies to ^{adly. En- rage.} speak freely the Mind, and tho Liberty of Speech is always granted to all Parliaments, yet Courage is necessary upon many Accounts, 'tis often necessary to withstand the Frowns of a Prince, it is necessary to bear a Man above popular Clamour, it is necessary when Peace and War is debated. There has scarce been any Reign wherein the Princes have not hector'd some of the Members: There is scarce any Sessions, but Arts are us'd to stir up the People against their own Interest; and if a Parliament House upon the Noise of a War should be seiz'd with a Panick Fear, the whole Nation would soon be dispirited; so that it is necessary to have Courage to preserve his own Integrity, and to uphold the Hearts of those that he represents.

Again, whoever would discharge the Office of a good Senator, must have Inte- ^{adly. Inte- grity's} grity that is proof against Gain, against Fear and Sollicitation. If he can be affrighted, or brib'd, or over-rul'd out of his own Sense of things, he is not fit for that Place. Preferments may be added to, but must not change the Man: Threats must make him more watchful and resolute, and he must be sure to distinguish between Insinuation and Argument. He must consider himself as a publick Man; he must not know his own Interest, or the Interest of the Place from whence he comes; when the general Good of *England* comes in Competition, he must consider himself as well, and more the Representative of *England* than of that County or Town for which he serves: But when he has consider'd the National Interest, then in Gratitude and Duty he is to consider the Interest of the Body of the Electors, more than his own private Advantage; he is to strip himself of all Relation, and to be akin to the Commonwealth: His Soul must soar up into the exalted height of an Heroical Virtue, and he is to believe that it is a pleasurable and noble enjoyment even to sacrifice himself and all private Considerations for his Country: he is to lay aside all private Capacities, and as it were to transmigrate into a publick Alliance and Affinity, *Cum calculis suffragiorum sumerit magnanimitatem Reipublicæ*, as *Demosthenes* us'd to advise the People of *Athens* in great Causes of Estate: He us'd to advise, that when they took into their Hands the Balls, whereby to give their Voices (according to the manner then in Practice at *Athens*) they should raise their Thoughts, and lay aside those Considerations, which their private Vocations and Degrees might minister and represent unto them; and should take upon them Cogitations and Minds agreeable to the Dignity of the State. And there is good Reason for this Advice; for certainly, if a Man shall be only or chiefly sensible of those respects which his particular Vocation or Degree, or the State of the Country or Town which sends him, shall suggest and infuse into him, and not enter into true and worthy Considerations of Estate, he shall never be able aright to give or take Counsel in Parliamentary Affairs, in the Business of the Senate-house.

The Notion of Integrity has been too much mistaken of late, the being of a ^{The Notion of Integrity has been much mistaken.} particular Church, or Party, has christen'd Men honest; and in this last Parliament pretending to be for King *William* has gain'd those that Epithet who never understood a King as the Father of his Country, who make his Political Capacity above the Laws of Men, if I may not say the Laws of God too. Integrity in the Monarchy of *England* implies more of a National than Slavish Spirit, more of Common Care than personal Adoration; and it is sad to think that any Knave can redintegrate his Reputation, only by being a Williamite, without being converted to an *Englishman*. Those cannot be thought (let them be as much Williamites as they will) to preserve the Integrity of a Parliament-Man, who change or stifle their Principles for a Place; nor can those be thought fit Members for that House, who either for their Pleasure, or private Business, neglect coming up to Town, no more than those who have so many Offices, that they can scarce peep within those Doors, or who are so lazy and loitering, that they come not till it is too late to hinder them, and so suffer the Nation to be circumvented by the Artifices and Tricks of the Court, who always set them on foot when the House is empty. I would have my Country-Men beware (if ever they chuse again) of these self-interested and careless Men. They ought, now their All is at stake, to examine how their Members have behav'd themselves, whether they have been tender of the Liberty of our Persons, frugal of our Fortunes, bold against Male Administration, Prosecutors of Crimes, and not Persecutors of Men. Sense, Courage and Integrity are necessary to make a Man behave himself as he ought in these impor- ^{What is proper to make one fit for a Parliament-Man.}

important Points. Let them chuse no Man that has not Sense, Courage, and Integrity, or that will not receive their Instructions. There are no Counties, and few Towns, wherein they don't understand the Interest of their Country enough to give general Instructions. Let me recommend those to them I have hinted at in this Paper; order them to bring in Bills to regulate the Militia, to encourage the Use of Fire-locks amongst the Populace, to increase our Navy, to reduce all our part of the War to that Navy, to settle such Salaries upon the Judges as may make them impartial. And above all things order them to bring in a Bill to secure Annual Parliaments, and the Elections of Members for the future. Advise them to ransack all our own Records, and to consult all the several Governments upon that Head. Chuse but once wise and honest brave Men, and they will find Expedients to avoid the Disputes, and baffle the Arts which have render'd Elections precarious and illegal. They will find Methods to be too hard for Court-tricks and Spend-thrift Competitors. Chuse no Man that is not willing to be instructed, you have a Right to instruct them: It was the Custom formerly to instruct all the Members; and the Nature of the Deputation shews, that that Custom was well grounded.

To conclude: Thus have I given my Thoughts freely, as to two material Points, viz. The old *English* Right of Annual Parliaments (for a more ample Account of which I must refer my Reader to Mr. *Johnson's* Essay on that Subject) and the Qualifications requisite in such as represent the good People of *England* in the Lower House; which I have done without regard to any Party or Interest but that of my Country. If what I have said, shall have any Influence on my Fellow Subjects, in the present Elections, and on those that represent them when they come together, in order to obtain an Act for the chusing of Parliaments yearly, I shall obtain my utmost Aim.

*Animadversions on the two last 30th of
January Sermons, the one preach'd to the Honour-
able House of Commons, the other to the Lower
House of Convocation. In a Letter.*

Feb. 22. 170¹.

S I R,

EVER since you desir'd me to write my Thoughts to you concerning the two Sermons which you sent me, I have been continually interrupted with Business of one sort or other, so that this is the first leisure Day I have had to answer your Request. I have read both the Sermons, and find that the great Design carry'd on in the Sermon to the Commons is, to persuade good Men that they do avoid the Conversation of ill People; and likewise to persuade that the great distinguishing Mark by which good and ill Men can be discern'd is, viz. that one sort abhor the beheading of King *Charles I.* as a most vile and barbarous Act of Injustice and Inhumanity, whilst the other sort of Men have not conceiv'd so great an Abhorrence of that Fact.

Good Men
ought not to
contract Fa-
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with the
bad.

Now as to the general Doctrine. i. e. that good Men should not contract Familiarity with the contrary sort, I think 'tis an innocent Doctrine, and supported by the Preacher with very good Reasons. But then methinks 'tis as needless a Doctrine as can be preach'd to Men of common Sense; for the young giddy headed Boys, and half-witted People may throw want of Consideration bedecoy'd into ill Company, and thereby be drawn into Inconveniences, yet to suppose that Men of Honour and Virtue or good Sense (as we may reckon the Members of Parliament to be) should

should stand in need of such a Warning, seems a thing strange to me. But among the common People of *England* (and I suppose of all other Nations) an honest Man avoid Familiarity with a Knave, a well-natur'd kind Man will not care to converse with a cross peevish ill-natur'd Person; he who is charitable to the Poor, hateth the Humour of a close-fisted covetous Niggard; a fair bold open-hearted Man will not indure the Conversation of a sly complaisant plausible Companion who is full of Trick and Designs; and a Man of Worth who loves his King and Country, will not like the Conversation of worthless Sycophants, who under pretence of Loyalty have flatter'd the Father and Son into such Measures as have been inconsistent with the Welfare of both King and People, nor of those who are still promoting the same Principles, by which the Monarchy and Church of *England* have been twice overturn'd in the space of one half Century. But,

What the Doctor chiefly would infer, is, that whosoever does not abhor the Execution of King *Charles I.* is so ill a Person that no good Man may converse with him. This is what the Doctor would persuade, without entering into the Merit of the Cause. Methinks 'tis something arbitrary to discard Men from the Benefits of human Society before their Cause has been heard. In the Spiritual Courts our Lords the Bishops hear all Allegations which are brought both for and against the Person accus'd; and likewise give him Admonition before they proceed to Excommunication. But the Doctor excommunicates without a fair Hearing of the Cause. Those who do not abhor the Execution of King *Charles*, do allow that there is no Law of *England*, in virtue whereof the Subjects to the King of *England* may condemn their King to Death: but yet since they know there is a Law of God that he who sheds Man's Blood, by Man shall his Blood be shed, Gen. 9. 6. which Law was given out not to the Sons of *Israel*, but of *Noah*; and since they conceive that King *Charles I.* was a Shedder of Blood in a very great measure, and after a very barbarous manner, they do not abhor that the Law of God was executed upon the Person of King *Charles I.*

And if that King gave out a Commission under the Broad-Seal of *Scotland* to the *Irish* Papists with these Words in it, *Know ye therefore that we reposing much Care and Trust in your Duties and Obedience, do hereby give unto you full Power and Authority to use all politicall Ways and Means possible to possess your selves of all the Forts, Castles, and Places of Strength and Defence within the said Kingdom (viz. Ireland) and also to arrest and seize the Goods, Estates, and Persons of the English Protestants (in some Copies 'tis Puritans instead of Protestants) to our use:* And suppose that hereupon an *Irish* Popish Council was form'd at *Kilkenny*, which directed a bloody Massacre of Protestants, to the Number of between two and three hundred thousand Men, Women, and Children, who did not deliver up their Goods, Estates, and Persons into the Hands of *Irish* Papists, according to his Majesty's Commission: I say, if this Matter of Fact appear'd true, and his Blood was thereupon shed, the Law of God was fulfilled, tho not according to the legal Forms and Usages of this Land.

Now altho this Commission was granted before you and I were born, yet I see no doubt to question the Truth thereof, any more than of any other part of History; especially since this part of *Charles the First's* Story has in our days receiv'd Confirmation from his Son King *Charles II.* The Case was this:

The Marquis of *Antrim* in the Kingdom of *Ireland* was accus'd of being a Principal in the *Irish* Massacre; and in order that his Estate should be forfeited therefore, these eight Articles were prov'd against the Marquis. 1st. That he was to have had a Hand in surprizing the Castle of *Dublin*, in the Year 1641. 2^{dly}. That he was of the Rebels Party, which was made appear by his frequent Intercourse with *Renny O More* and many others, being himself the most notorious of the Rebels. 3^{dly}. That he entred into the Roman Catholick Confederacy before the Year 1643. 4^{thly}. That he constantly adher'd to the Nuncio's Party. 5^{thly}. That he sat from time to time in the Supreme Council of *Kilkenny*. 6^{thly}. That he sign'd the execrable Oath of Association. 7^{thly}. That he was commissioned and acted as Lieutenant General from the said Assembly at *Kilkenny*. 8^{thly}. That he declar'd himself, by several Letters of his own penning, to have been, in conjunction with *Owen O Neale*, a constant Opposer of the several Peaces made by the Lord Lieutenant with the *Irish*. Now tho these Depositions were transmitted from the Privy-Council of *Ireland* to King *Charles II.* yet the said King sent back a Letter to the Duke of *Ormond*, then Lord Deputy of *Ireland*, to clear the said Marquis of *Antrim*; in which Letter 'tis alledg'd, 'That the Marquis was innocent from any Malice or rebellious Purpose against the Crown; and that his Transactions with the *Irish* Rebels were by the Instruction of the King his Father, and for his Service;

that

that his Royal Father was well pleas'd with what the Marquis did, after he had done it, and approv'd the same: And that he (*Charles II.*) would not in Justice deny him this Testimony: That what he did by way of Correspondence with the *Irish* Rebels, was in order to the Service of his Royal Father, and warranted by his Instructions, and the Trust repos'd in him. This Letter was dated from *Whitehall*, *July* the 10th, 1663. and entred at the Signet *July* the 13th following. Now altho I do not believe that King *Charles I.* design'd the *Irish* Massacre, yet that the Papists groundd their Massacre upon this Commission is past Dispute. The Commission threw the Protestants into the Mouth of the Papists, and they devour'd them; and if the King emitted this Commission, he was a culpable Cause of all that Slaughter: And 'tis hard that one must be deny'd the Society of good Men, because he believes a Matter of Fact to be true, which is supported by very probable Arguments.

Again, some take it into Consideration, who it was that began the long Civil War, whether the King or the Parliament; or rather who was the culpable Cause of that Difference between King and People, which broke out into a Civil War. If the King thro neglect of his Duty was the Occasion of the War, the Blood which was shed lay at his Door, and then his Punishment was just according to God's Law. Now as far as I have read into the History of those times, the Matter was thus.

Who the be-
ginners of
the Civil
War in
England.

The Parliament which sat down in the Year 1640. petitioned the King to grant them a Request, which was contain'd in 19 Propositions. The Substance of all which you have in these three things: 1st. That the great Trusts of the Nation should not be dispos'd of by the King without the Consent of Parliament. 2dly. That the Church-Government should be settl'd by Parliament. And 3dly. That the Laws should be executed against Papists. He who has read the old Histories of *English* Affairs, such as *Matthew Paris's*, &c. will find that in antient days the great Trusts of the Nation were dispos'd of by Consent of Parliament: So that as to that Matter of their Request, 'twas only in behalf of an antient Right. And since all Church-Authority, as to the Execution thereof, is deriv'd from the Civil Power, 'twas not unreasonable for the Parliament to take that Matter under Consideration: 'twas likewise highly reasonable that good Laws should be executed at any time. If these Demands had been granted, no Quarrel or War had ensu'd; but the King by a resolute Denial of these Requests drew a War on himself, and the Nation, which ended in the Effusion of his own Blood: But the Blood of many innocent Men had been shed upon this Occasion before the King answer'd for it by his Blood. Without doubt those Men who condemn'd and executed the King, were of Opinion that he was the culpable Cause of the War; and also that the Blood of one Man was but a mean Atonement for the Blood of many, which was spill'd thro the King's Denial of what he ought in Right and Reason to have granted to his People. But let that be as it will, and let us suppose a Man to be led into a Mistake concerning the King's Death; 'tis still hard that a Man should be depriv'd of the Society of good Men, only by reason of such a Mistake, which is groundd upon an Argument seemingly very probable.

No humane
Constitution
can make
void a Law
of God.

Especially when 'tis consider'd that no Law or Constitution of Man's making can make void, or so much as supersede the Law of God: And then if we suppose the King to have been a Spiller of Blood, the Law of God ought to take place upon him, notwithstanding the *English* Constitution should forbid it.

But suppose all this to be false reasoning, yet still 'tis hard that a Man, who cannot see into the fallacy of this Argument should be debar'd the Conversation of good Men, especially if this mistaken Man, as to his Opinion of this Matter, should nevertheless be a Man of good Morals; if he live in a due Fear and Reverence of God, with Love and Kindness towards his Neighbour, and be watchful over himself, making it his hearty and constant endeavour both to know and do the Will of God. Perhaps you will say he approves of a foul Murder. I say no, he abhors Murder: but he thinks the King was a Blood-spiller, and that therefore according to the indispensable Law of God his Blood was innocently shed. Now let us suppose this Man to be mistaken in the Fact it self, or in his applying of God's Law to the Fact; 'tis yet hard that he should be depriv'd of the Society of Mankind for such a Mistake. As on the other hand, suppose the King had given out a Commission on purpose to murder the Protestants, suppose him to have degenerated from a King into a Tyrant, and added Perjury to his Tyranny by overruling the Laws of *England* which he had sworn to maintain: Suppose that on a certain 30th day of *January* he

he had sign'd a Commission for raising *German Horſe*, and bringing them into *England* to over-aw the Parliament; and ſuppoſing that God's Juſtice and not the People's Injuſtice had overtaken him at laſt: And after all this, ſuppoſe the Doctor not only excuſeth all this foul Matter, but preaches this Man up for a Saint; I ſhould think it a hard Uſage to exclude this Doctor from the Society of good Men, becauſe he is miſtaken in the Hiſtory of King *Charles I.* but I would wiſh to him the Con- verſation of the wiſeſt and moſt knowing Men in *England* to rectify his Miſtakes either in that Affair or any other Matter. For all this while the Doctor may be a very honeſt, tho miſtaken Man, being ſtill as far as any Man living from deſigning to pay Saint-like Honours to a Tyrant.

And therefore to the Doctor's Queſtion, *Can thoſe who are unwilling to condemn, who are willing to excuſe, who are daring enough to applaud the Fact of this Day, offer any one Shadow of Argument to mitigate its Guilt, or to leſſen or detract from it?* it may be reply'd, 'tis poſſible that ſome Reaſons may be given which he has not conſider'd, or ſuch Reaſons may be given which may prevail over the Underſtandings of weak Men, altho the Doctor may be able to give a full Answer to them. It may be reply'd, that the Doctor is not a Judge for thoſe who diſſent from him in this Matter, but they are to judge for themſelves as to what they will abhor, and what not. And this (as I conceive) muſt be the Doctor's Answer, if he ſhould be ask'd what Shadow of an Argument can any Man bring for Excommunicating thoſe, who having heard from credible Teſtimony that King *Charles I.* was a Favourer of Popery, having in a Letter call'd the Pope his moſt Holy Father, having agreed in the Articles of his Marriage that Papiſts ſhould be protected from the Laws of the Land, having granted Pardons to Papiſts and Jeſuits which paſſed by immediate Warrant, having inhibited both Eccleſiaſtical and Temporal Officers to intermeddle with Papiſts, which amounted to a Toleration againſt Law: Who likewiſe having heard from credibly Teſtimony, that King *Charles I.* was a Favourer of Tyranny; having rais'd an Army, and without Conſent of Parliament having requir'd the Country to find Coat and Conduct-Mony for them; having alſo levy'd Ship-Mony by his own Authority, having likewiſe imprifon'd thoſe who refus'd to ſubſcribe unwarranted Loans; having levy'd Subſidies of Tonnage and Poundage, which were determin'd by his Father's Death; having on the 30th of January ſent a Privy Seal to the Treafury for the remitting of 30000 l. to *Barlmark* a Dutch Merchant to be employ'd for levying Horſe and Men to be brought into *England*, for ſupport of his foremention'd illegal Practices; having alſo imprifon'd ſome Members of the Houſe of Commons during a Seſſion of Parliament for reſuſing to answer out of Parliament as to what was ſaid and done in the Parliament-Houſe, imprifoning other Members upon managing a Conference with the Lords about the Duke of *Buckingham*, and threatening the Parliament that if they did not answer his Expectations he would reſort to other means: I was ſaying, what Shadow of an Argument can be brought to mitigate the Guilt of ſuch a King, or to excuſe him from ſuffering what his Actions deſerv'd? Can the Doctor return any Answer but this? Either that he does not believe theſe Allegations to be true, or if they were true, they did not deſerve the Punishment which was inflict'd. As to the firſt part of the Doctor's Answer, it will be reply'd, that as long as the Credit of *Mr. Ruſhworth's* Collections holds good, theſe and many more Facts ſuch as theſe will be believ'd by many Men; who will alſo think that ſince our Laws inflict Death for ſmaller Offences than theſe are, and ſince God's Law does not except a King from Death when he deſerves it; I ſay, they will think the Fact of that Day to have been agreeable to natural Juſtice, and to the written Law of God, tho it were not warrant'd by the legal Forms of Judicature eſtabliſh'd in this Realm.

But then when the Doctor proceeds to inquire, that ſuppoſing there had been any ground of Complaints, yet how was Vengeance theirs, or whence had they Authority to repay it? All that I have heard ſaid as to that Matter amounts only to this, *viz.* Suppoſing that Paſſive Obedience be the Subject's Duty to a King acting in an arbitrary manner, and bearing down the Laws of the Land and the legal Eſtabliſhment, then the People are indeed incapacitated to do themſelves Right by any means whatſoever. But if this ſort of Paſſive Obedience be not a Duty incumbent, and then we ſhould ſuppoſe a King to have broken his Oath to his People, and thereby have made void the Peoples Allegiance which was built upon his ſuppos'd Precontract of governing according to Law, ſo that the Civil Government is hereby diſſolv'd; in ſuch a Caſe the Law of Nature takes place, according to which every Man may do himſelf right upon thoſe who do him wrong.

*What Ex-
cuse may be
made for
the Fact.*

*How Ven-
geance
belongs to
the People.*

But suppose this Answer to the Doctor's Question be yet insufficient, and likewise that a Man deserves Excommunication for disagreeing with the Doctor's Opinion; yet the Question will recoil upon the Doctor, *How comes Vengeance to be his?* How comes the Doctor, who as yet is no Bishop, to excommunicate the Unfortunate from the Pulpit? Whereas this judicial Office belongs only to the Bishops and their Consistory-Courts. Indeed, after the Bishop has cast Men out from the Society of good Christians, 'tis the Duty of the Inferior Clergy to admonish all good Christian People to avoid their Company. But 'tis the present Misfortune of our Church, that the Inferior Clergy give themselves too much to Contention, not only with their worthy Superiors in the Church, but with their supreme Metropolitan, and endeavour to wrest that Power out of his Hand, by which the Order of the Christian Church has been preserv'd for more than a thousand Years. What is now become of St. Ignatius's Doctrine, who zealously advis'd all Christians to do nothing without their Bishop, when the Clergy of the Church of *England*, which was reform'd in her Discipline exactly according to the Primitive Pattern, will withdraw their Canonical Obedience from their Arch-Bishop, whose Primitive Piety (particularly in his Care of the Poor) and true Christian Moderation is known to all Men, altho not imitated by all?

The Mark
of Distinc-
tion between
good & bad
Men.

But to return to the *Shibboleth*, which the Doctor hath found out for a Mark of Distinction between good and ill Men. I can remember the Time when the Doctrine which the Doctor has now preach'd, was really put in practice for many Years together, just after the Restoration of King *Charles* the Second: For then the Royalists withdrew themselves from the Society of the Presbyterians, altho a few Years before those two Partys had join'd together to bring back the King. But notwithstanding the Presbyterians had made what Reparation they could to the Father by restoring his Son to the Throne, to whom also they sware Allegiance; yet all their Loyalty did not give Satisfaction to the Royalists, who not only withdrew themselves from all Familiarity with them, but conceiv'd such a Hatred (the necessary Consequence of such a Separation) to them, as soon broke out into a severe Persecution, whereby Charity was sacrific'd to the more necessary Duty of Conformity, the Communion of Saints was limited to Parties, the Strength of the Nation weaken'd by Division, and the King lost one Moiety of his Crown by withdrawing from a great part of his People: And after all it did not then appear that these Withdrawers from those who did not abhor the *January* Execution, were Men of any more exalted Piety than others were. And should the same Doctrine be put in practice at present, it might indeed tend to introduce a Persecution instead of the present Toleration, but would not improve the Virtue of those who so greatly abhor the King's Death.

To conclude this Point, I cannot agree with the Doctor, that Men should separate from one another upon the account of Opinions; but I rather think it more agreeable, that notwithstanding such difference they should be *like-minded* towards one another, *i. e.* not differ in Affections. Suppose the Doctor should think him to be a Martyr, whom I suppose to be a Traytor; why should we quarrel about it, when perhaps neither of us may be in the Right? We can do him no good if we were agreed in the same Opinion about him, since an irreversible Sentence is already pass'd upon him.

Having now shewn you my Opinion concerning the Doctrine of the Day, I shall proceed (as you desir'd) to let you know my Thoughts concerning the Day it self, which the Doctor hopes *will be long preserv'd for the Terror of evil Works*, *Page 6.*

And hereupon I must inform you, that I have such a respect to the Peace of a Society, and the Laws of the Land where I live, that I am inclin'd to obey the Law, altho I am not satisfy'd in the Reason of it, or in the Necessity of such a Law. As to instance, the Law commands me to do such a thing, *viz.* to keep Fast and go to Church on the 30th day of *January*. I see no Sin in obeying this Law, and therefore I will obey, altho I my self can see no Reason to uphold this Law, but rather see Cause to abolish it.

Why the 30
of January
is observ'd.

The common Reason for upholding this Day is, that by our Humiliation thereupon we might implore the Forgiveness of God, with particular relation to the great crying Sin of the Land, in putting King *Charles* to Death upon that Day. Now suppose it were a crying Sin, yet it affected only those who were guilty of it; and according to *Abraham's* Notion of God, he may be more inclin'd to spare a Land for the Innocence of a few, than to involve the Innocent in the Guilt of the

Innocent.

Nocent." Peradventure there shall be fifty Righteous in the City, wilt thou not also spare the Place for the fifty Righteous that are therein? That be far from thee to do after this manner, to slay the Righteous with the Wicked, that be far from thee; shall not the Judge of all the World do right? 'tis in Gen. 18. 24, 25. Now if Abraham had a right Notion of God, which I no ways question, then it follows,

1st. That the King's Death could not be a National Sin, since we have no Reason to believe that a Tenth part of the Nation consented to it: The People of that Day having been train'd up in Principles contrary thereunto; and the House of Commons was purged over and over again, before any step could be made towards it; and at last it was done by Cromwel and a Junto of the Army: And therefore this was not a National A&t.

The King's
Death no
National
Sin.

2^{dly}. Supposing this to have been a National A&t and a National Sin too, there is yet no Reason to think, that National like Original Sin is transfused from one Generation to another; and since those who had a hand in that Bloodshed are pass'd away, and a new Generation is now arisen, methinks 'tis very disagreeable to God's Justice, or even to the Notion which Abraham had of the Divine Being, to suppose that he will punish us merely for the Sins which our Forefathers have committed.

If so, not like
Original
Sin.

And altho some Texts of Scripture are hereupon cited in behalf of a contrary Opinion, yet these particular Texts seem to me to be dark and mysterious, in comparison to a very plain Sermon, preach'd by the Prophet Ezekiel upon this very Subject; wherein the whole Scope of the Prophet is, to shew that God does not punish the Son for the Sin of the Father, but that (on the contrary) every one is punish'd for his own Sin only. This Discourse is to be read in the 18th Chapter of Ezekiel; and the whole of it is a Matter of very fair belief, and therefore I lay no stress upon what some have conjectured, viz. that the Death of the Father has been sufficiently avenged by the Restoration of the two Sons; being fully satisfy'd that the punishing innocent Children for their Fathers Sins may be consistent with the odd Opinion of two coordinate Supreme Beings, whereof the one is extremely evil (such a Power may do Mischief for Mischief's sake) but that one Supreme Power infinitely just and good should do such a thing, surpasseth my Imagination: So that there is no necessity of continuing this Day upon the foremention'd Account.

Add hereunto, that the Observation of this Day at present casts an ill Reflection (in the Opinion of some good People) upon the late Revolution: For as Charles I. was the Lord's Anointed, the Rightful King of this Realm, so likewise was James II. as much anointed, as openly own'd, as much *Jure Divino* as his Father. 'Tis true, we did not behead him, but we drove him out of England, and beat him out of Ireland into France, where at last he broke his Heart and died.

The Obser-
vation of
this Day
reflects on
the late Re-
volution.

Now James II. was only a Favourer of Popery, and an Overbearer of the Laws and Constitutions of England, as Charles I. And if it were so horrid an Impiety to execute Charles I. for setting his Will above the Law, and raising an Army to support the Oppression: If this were an Impiety so horrid, that good Men ought not to converse with those who in any measure excuse it; I think that those who allow of what befel James II. are by parity of Reason subjected to like Treatment. Only that Cardinal Bellarmine has laid down a Rule in their Favour; for that Noble Divine, when he instructed the Roman Catholicks in their Duty of extirpating all Protestants Root and Branch, laid down this Caution, *Quod si heretici sint fortiores nobis, quiescendum est pro tempore*, i. e. If the Hereticks should be too strong for us, we may let them alone for a Season. So that they who favour the late happy Revolution, may thank God they are of the stronger Side. How long they may be suffer'd to continue so I know not: But if the present Ballance of England be chang'd, they must expect to fall under an Anniversary Excommunication. If therefore we would abstain from all appearance of Evil, I think we may drop such an Anniversary Day, as casts an ill Reflection both upon God and the King.

I know some Offers have been made to reconcile the Observation of this Day to the late Revolution, as was attempted in a Sermon preach'd two Years since to the Honourable House; but then that Discourse had no Success. And in truth I must say, it is an absurd Attempt to reconcile a Fact for the Decollation of K. Charles I. with a Feast for the Abdication of K. James II.

But suppose the Observation of this Day should cast a seeming ill Reflection upon the Martyr himself, I hope you will allow me that it not only may, but ought to be

The Obser-
vation casts
a Slur on
the Martyr
himself.

abrogated: and, for ought I know, the Doctor himself may be persuaded to join with us in the same Conclusion. The Slur which this Day (as 'tis observ'd) casts upon the Martyr came to my knowledg thus; being one day looking into my Almanack, in company with a Learned Divine, I ask'd him the Reason why the Holy-days were marked out in red Letters? to which he answer'd, that it was, because the Martyrs lost their Blood upon those Days. I enquir'd further, Why then do we keep those Days with rejoicing, on which the Martyrs lost their Lives? For this Reason (said he) because the Primitive Church of Christ look'd upon the dying Day of a Martyr to be his Birth-day into Glory: And for that Reason (continued he) 'twas fit that those Days should be celebrated with Joy and Thankfulness (as in all Ages of the Christian Church they were) to signify the sure and certain Hope which all Christians had conceiv'd of their admittance into Eternal Glory. If this be so, then our fasting weeping Day, the 30th of January, is not only a Presbyterian Holy-day, i.e. a Day observ'd in contradiction to the Current of all Christian Ages, but seems to cast a Slur upon the Martyr, by distinguishing him from all his Predecessors of the same Order, viz. by giving a Check to that Joy which ought to arise from our sure and certain Hope that he likewise among the Saints in Light inheriteth a Crown of Glory.

It should be laid aside for the sake of the Clergy.

Furthermore, had I Authority to advise, I would move that this Day may be set aside, if it were only for the sake of the Clergy of the Church of England: And tho some of them will not take a Man to be in earnest when he urges this Argument, yet I protest before God, who knows the Secrets of all Hearts, that I am serious in this Argument, and mean no other thing than what I am going to say. I likewise protest, that after having inform'd my self of the several Christian Churches, I know not of any one which I can prefer before the Church of England; nor do I think that there is any Clergy in the Christian World equal in all Parts of Human and Divine Learning to the Clergy of that Church. I pity from my Heart any Mistake that I think they run themselves into; and were it in my Power, they should be the Joy and Glory of Christendom; nay, I make no doubt but that if they were suffer'd to keep within the Bounds of their proper Function, they would gain no Enemies, but on the contrary, they would make their Church to appear (like the Spouse in the Canticles) altogether lovely, and universally belov'd. For that which has gain'd to this Clergy some Enemies at home, has been their intermeddling with Affairs of State.

'Tis well known what a great Disgust was once given to an Honourable House of Commons by the Sermons of Dr. Sibthorp and Dr. Manwaring, which were both Political Discourses tending (in the Judgment of the House then sitting) to the Subversion of Property: and such-like Political Doctrines vented from the Pulpit (which the then Lord Faulkland call'd, in scorn, *Pulpit-Law*) gave the People at that time such an aversion to the Clergy, as at last ended in the Subversion of the Church of England. And after the Restoration of the Church, together with King Charles II. I remember the Church gain'd to themselves many Enemies by their Zeal for promoting the dangerous Doctrine of Passive Obedience and Non-resistance, to the promoting of which Doctrines the 30th of January gave a great Handle. The same Political Principles being generally maintain'd by the Clergy were thought to have given King James a Temptation to graft at Arbitrary Power, by which he would soon have overturn'd both Church and State: And 'tis now evident, that had the People believ'd those Doctrines, we had been long since irrecoverably lost, both as to Religion and Liberty. And at this day we see too many Clergy-men who have lost their Livings, and are in a starving Condition because that according to the Political Principles which they had formerly own'd a Church-Doctrines, they could not dispose of their Allegiance to his Gracious Majesty who now reigns over us.

By what Means the Clergy procure their Enemies.

To sum up this Matter, I never observ'd any more than two ways and means by which the Clergy gain'd themselves Enemies among the People; one whereof was by promoting the Execution of Penal Laws against Dissenters; the other was, by preaching such Doctrines, as seemingly were destructive to the just Rights and Liberties of the English People.

Toleration takes off the Dissenters from being Enemies to the Clergy.

At present the Toleration takes off the Edg of Dissenters from them, who can not now be provok'd by their encouraging of Persecution: And were they all so so happy as to have no remaining Occasion to promote from their Pulpit any Politicks whatsoever, no Party could be provok'd by them, but they would be

safe under all Revolutions which support the Protestant Religion. The Bible is design'd for Religion, and not for Politicks. And altho there be two Books of *Kings* contain'd therein, yet since there is no Book of Parliaments. it cannot be suppos'd to have any relation to the *English* Constitution: So that if the Thirtieth of *January*, and Nine and twentieth of *May* were set aside by Act of Parliament, the Clergy could have no Inducement to look into the Bible after such a sort of Doctrine, which is not there to be found; I mean, disobliging Politicks.

Besides, Doctrines of Religion cannot be retorted to the Disadvantage of Men by the Change of Times, as Political Doctrines may. As for instance, should the *French* King impose his natural Grandson, whom he has proclaim'd by the Name of *James the Third*, upon *England*, as he has sent his legitimate Grandson to *Spain*, the Consequence would be, that the Fifth day of *November* would be turn'd into a Fast, and then the People will be call'd upon from the Pulpit to withdraw themselves from all Familiarity with those wicked Men who abdicated the Lord's Anointed, and introduc'd an Heretical Usurper into his Throne. The Preacher upon that solemn Fast will say (as the Doctor lately did) *What Opinion must all Lookers on entertain, when they see the Professors of Religion unequally yok'd together with its declar'd Enemies? How unnatural, how monstrous must the Alliance be, when the Clean are paired with the Unclean? For what Fellowship hath Righteousness with Unrighteousness? Or what Communion hath Light with Darkness? Or what Concord hath Christ with Belial? Or what part hath he that believeth with an Infidel?* But yet notwithstanding these Texts of Scripture, which the Doctor citeth upon the Occasion of his *January* Doctrine, I am still of Opinion that those Texts of Holy Writ, and also the whole Book of God, stands Neuter as to the Political Revolutions of *England*. And if the Clergy of the Church of *England* might in these Political Contentions, observe as strict a Neutrality as the Scripture doth, they would be the Delight of the whole People of *England*, and their Church would be establish'd as the Center of the Universe.

Religious Doctrines can't affect any in change of Times; Political may.

As to the other Doctor's Sermon to the Lower House of Convocation, 'twas of the same piece with that before the Commons, full of high Flights and Rhetorical Decorations.

But to draw a Parallel between the Impiety of those who crucify'd Jesus Christ our Saviour, and those who beheaded King *Charles*, requires an Audience strongly biased in favour of the Preacher. Such a Comparison would better become the Mouth of a *Socinian*, than a Convocation-man: Forasmuch as if our Lord Jesus Christ were only Man and not God, another Man may decently be compar'd to him, and perhaps be equalled with him. But to affirm Christ's Prayer upon the Cross (which was the Text upon which he preach'd his Sermon) was not answer'd by God the Father, was (in my poor Opinion) no less than giving up the Deity of our Saviour, and his Identity with the Father. The Doctor's Text was this, *Father forgive them, for they know not what they do*: And in a certain Paragraph of his Sermon, which is contain'd in the 15th and 16th Pages of it, he says (as to me it seems) that this Prayer of our Saviour Jesus Christ did not obtain the Forgiveness requested. Very strange! That a Sin of Ignorance was not forgiven by God the Father upon the Request of God the Son, who is one and the same God with the Father!

No Parallel between the Crucifiers of Christ, and those that beheaded K. Ch. I.

Truly I am apt to think that this Prayer might be suppos'd to have had its Effect; nay, the Doctor himself might allow it upon any Day in the Year, except the 30th of *January*: But since on that day the Doctor was unwilling to grant that the like Prayer of the Martyr was heard by God; and since that God's refusing to hear the Martyr might be some diminution to his high Character, it was convenient to suppose, that God did not hear the Prayer which his Son made to the same purpose: And besides, should God have pardon'd the Sin of this Nation in beheading King *Charles*, there would no Pretence remain for the *January* Fast.

Christ's Prayer on the Cross prevail'd for his Crucifiers.

But that I may not wrong the Doctor, I will transcribe his whole Paragraph: *But whether either the Prayer of our Saviour on the Cross, or of our Royal Martyr on the Scaffold, and in his Closet very frequently before his Death, did obtain the Forgiveness requested, whilst the Wickedness continued and was not repented of, is the next thing we are to consider as my second General Head: And we shall quickly find that it did not.* It seems clear to me, that Sins of Ignorance are repented of by every one who repents of Sin in the general; and since 'twas the Prayer of Christ, that the Sin

of Ignorance which the *Jews* committed in his Crucifixion should be pardon'd, I see no Umbrage to suppose, that his Prayer did not obtain the *Forgiveness* requested.

Our Saviour Jesus Christ was of a forgiving Disposition, and enjoyn'd his Followers to forgive that they might be forgiven: And I heartily wish that no Opportunity were either given to, or taken by any of the Ministers of Jesus Christ, to shew any other Disposition of Mind, than what becomes the Followers of the Lamb of God; that none of them may discover so much ill Nature and Uncharitableness, as did a certain Doctor, who preaching on the same Text, and upon the same Occasion, gave the Words this turn, *Father, forgive them not, for they knew what they did.* I shall conclude with that seasonable Petition of our Church in her Litany, *From Envy, Hatred and Malice, and all Uncharitableness, Good Lord deliver us.*

I am, S I R, Yours, &c.

Printed in
1701.

*Some Remarks on the BILL for Taking,
Examining and Stating the Publick Accounts of the
Kingdom: And on the Proceedings thereon in both
Houses the last Session.*

THE Miscarrying of a Bill which pass'd the House of Commons in the last Session of Parliament, for appointing Commissioners to State and Examine the Publick Accounts, has given occasion for much Discourse and Censure. A Pamphlet has been printed with the Title of, *The several Proceedings of the House of Commons, in relation to the Bill for Taking, Examining and Stating the Publick Accounts of the Kingdom; together with the Copy of the Bill.* The Design of that Pamphlet is manifestly to throw Reflections on the Lords for the loss of that Bill.

*The H. of
Peers an
essential
part of our
Constitu-
tion.*

The House of Peers is an essential Part of the *English* Constitution: And since in all Points in dispute between the two Houses, one of them must be more in the Right than the other, it is to be hop'd that if a private Person may be allow'd to endeavour to shew the Lords to be in the Wrong, another private Person may be permitted to say, why he is not of the same Opinion.

There have been six Acts of Parliament for constituting Commissioners to Take, Examine and State the Publick Accounts since the happy Revolution. Two Gentlemen had the Honour to be nam'd Commissioners in every one of these Acts. There were great Alterations as to the other Commissioners (among whom were several Persons of great Worth and Ability) but it is not to be wondred at if a suppos'd Experience gave these two standing Commissioners the predominant Authority.

*Sir R. Rich-
d. & Col. Au-
sten two
Commission-
ers in the
first Act a-
bout Ac-
counts.*

In the first Act Sir Robert Rich was the first Commissioner, and he and Col. Austen were very active in the execution of it, and many useful Observations were offer'd to both Houses at their next Meeting; and if these had been thorowly examin'd into, and prosecuted with effect, a great Sum of Money might have been saved to the Nation. The Lords, during the Session in 1691. endeavour'd, with much Warmth and Assiduity, to have improv'd these Observations for the Publick Good, but in vain; for the Commissioners being all Members of the House of Commons, there were found endless Difficulties in having their Attendance or Assistance.

*How the 2d
Act was
lost.*

The House of Peers, in order to prevent the like Inconvenience for the future, when another Bill of Accounts was sent to them in the same Session, thought fit to add some Persons, who were not of the House of Commons, to be Commissioners,

of

of whom Dr. Davenant was one. But it seems his Name is not lucky to Bills of Accounts. That Bill was then lost by the House of Commons refusing to agree to the Amendments which the Lords had made, by adding the Doctor and his Companions for Commissioners: As the last Bill was lost by the Commons refusing to agree to the Lords Amendments, in leaving out the Doctor and other Commissioners, made by the House of Commons.

Sir Robert Rich and Col. Auzen, being made Commissioners of the Admiralty, were no longer continu'd in the Commission of Accounts; and the Observations made while they were Commissioners, were no further taken notice of.

It may be asserted with great Truth, That from that time forward no one Account was effectually prosecuted, no one Penny got or sav'd to the Nation, nor so much as one useful Observation for the Kingdom made, during any of the subsequent Commissions. This may look like a bold Assertion; but the Proceedings are all extant, and may be reforted to; and therefore if what is affirm'd be false, it may easily be refuted.

No Accounts of Public Money made after Sir R. Rich & C. Auzen were laid aside.

There is reason to hope the Kingdom will soon see, from one who is well able to give it, an exact History of the several Commissions of Accounts, wherein some material Secrets may be laid open.

Several Reasons may be assign'd, why so little was done during these many Commissions, and how it came to pass that their Remarks were so trifling, and so remote from the Matter of Accounts; and these will readily occur to any who will set themselves to consider: I will mention one thing, which may not commonly be taken notice of. In the first Commission of Accounts the Enquiry was restrain'd to the fifth of November 1688. except only as to the Accounts of the Money issued for repairs of the Navy in King James's Reign, under the Management of Mr. P——s. Soon after the Revolution there was a great and general Clamour on this Head, because the Ships, which were certify'd to King James to be thorowly repair'd, were found, when they came to be made use of, to be merely patch'd up for a new in Harbour.

Why the Commissions of Accounts had no effect.

This Clause alarm'd Mr. P——s, and all who were concern'd with him; and every Expedient was put in practice, which might tend to divert the Storm: Sir Robert Rich and Col. Auzen were try'd, but stood inflexible, being determin'd to have nothing to do with Men who were known to be in another Interest than that of the Government. But Access was obtain'd to two other Gentlemen. It was discover'd that one of them could not be over-flatter'd as to his great Ability, and they offer'd Incence to him in abundance: they told him, his Head was admirably well turn'd to be Master of the whole Oeconomy of the Navy; and captivated him intirely, by filling his Pockets with Schemes relating to the Fleet. It is probable the other Gentleman was prevail'd upon by more solid Measures, but by whatsoever Means it was, both of them were prevail'd upon. In a little time, not only that part of the Business which related to Mr. P——s's Accounts was forgotten, but it seem'd to be forgotten that they were Commissioners of Accounts; for during all the subsequent Commissions, their Observations were generally in relation to Sea-Affairs, and the management of the Fleet, instead of the accounts of the Kingdom. It is true, there appear'd more Spleen than Weight in their Remarks, for they were generally baffled in the House in all these Sea-Conflicts. Yet there was some pleasure in persecuting their old Brother Commissioners, whom they could not without uneasiness see fix'd in another Honourable Station. Besides, when Mr. P——s was become as it were the Superintendent of the Commission of Accounts; it may readily be suppos'd what other Ends were gratify'd in disquieting and disheartning the Persons who had the principal Management of the Sea-Affairs during the War. This was the Matter of Fact, and great Friendship and Dearness was begun, and continu'd between those Commissioners and Mr. P——s; and the Effects of it will be yet seen by any Body who deliberately considers the Observations of the Commissioners of Accounts, tho it appear'd much more plainly to those who observ'd, from time to time, what pass'd in the House.

As the People of England had no Profit by these Commissions, so the Charge to them was exceeding great. Besides Salaries, the voluminous, and (in a great measure) unnecessary Accounts which the Commissioners requir'd from every Officer, cost the Kingdom vast Sums. The manner in which those Accounts were demanded, and the Officers treated, caus'd an incredible Distraction, and was a total hindrance to their carrying on their Duties during the continuance of the Commission.

These Commissions were exceeding chargeable.

Commissions. But more than all this might have been born, if after so many Experiments, the least Fruit had been produc'd for the Good of the Kingdom.

New Commissioners nam'd in 1696.

In 1696. (after a Year very likely to have prov'd many ways Fatal to *England*) when of course another Bill of Accounts came to be spoke of in the House of Commons, it was quickly perceiv'd to be the general Opinion, that little Good was to be expected, without a total Change of the whole Commissioners. This Discovery touch'd the Commissioners very deeply. Some of them had been exercising an Inquisition for several Years together, against all such as would not learn to understand their Meaning. They had several ways tasted the sweetness of Power; and they had reason to apprehend, that an intire Set of new Commissioners would pique themselves to do somewhat for the Publick; and any thing of that kind must shew the unskilfulness or unfaithfulness of those who had been employ'd for so many Years together.

How they were set aside.

No Artifice therefore was omitted to delay the Bill. It was brought into the House by the Lord *Spencer* the 26th of November 1696. and was press'd earnestly from time to time, as appears by the printed Votes; but nevertheless things were so manag'd, that the House did not get to the naming of the Commissioners till the 12th of February following, and then seven new Persons were pitch'd upon.

But an unhappy Occasion was found totally to disappoint that Bill; one of these seven Gentlemen having then a prospect of a more desirable Place, declin'd accepting to be one of the Commissioners of Accounts, and prevail'd to get himself discharg'd by the House. The old Commissioners laid hold of this Opportunity, and observing those who were for a new Commission (according to custom) to be negligent, as being too secure of their Majority, brought their Friends together, and by surprize got one to be named by the greater Number of Votes, who they thought would be look'd upon as improper for such a Business; and thereby pretending to turn the Bill it self into Ridicule, procur'd a sudden Vote against the engrossing it. If a Man will compare the Character of that Gentleman, with the Characters of some of the Persons nam'd for Commissioners in the late Bill, he must confess the House of Lords had better Grounds to believe it was never intended earnest that it should pass into a Law.

The Bill of Accounts in 1696. having miscarry'd from that time, the Men who before pretended to be zealous in every Session for carrying on such Bills, were as industrious and artificial in preventing them; tho the Persons principally concern'd in disposing the Publick Mony, did not fail from time to time to invite, and indeed to provoke them to it.

Making up the Accounts at the end of the War how prevented.

The most proper time for making up all Accounts, must be own'd to be upon the Conclusion of a War. The Officers were then at leisure; whereas before, in their Places were well executed, the current Service took up all their Time. But the utmost Management was us'd by some of the old Commissioners, to prevent any Act of that kind, till a favourable Season might render it probable, that themselves, or Men under their Direction, might be the Persons to be employ'd.

This appear'd plainly in the Session of Parliament 1698. On the 14th of March in that Year, there happening a warm Debate in the House of Commons on the Subject of the Publick Debts, and the Occasion of them, it was order'd, That the Bill of Accounts should be brought in, and the Lord *Cheyne*, Mr. *Pierpoint*, and Mr. *Bruges*, were appointed to do it. The Parliament continued sitting near two Months after this; and tho these Gentlemen were several times call'd upon they would not be prevail'd with to offer such a Bill. No body will believe it was forborn out of Partiality or Indulgence to the Men who were then in Publick Employments.

How the Commissioners of Accounts were taken off from it.

In the last Session of Parliament 1699, and 1700. the Season was come when they who had furnish'd the Kingdom with the former Commissioners, were again Masters of the Choice. But then the great surviving Commissioner was growing apace into the Ministry; and notwithstanding all Pretences of Publick Zeal, it has appear'd that few have brig'd to be Commissioners of Accounts, but with prospect of some other Place. He had in his view a better Way of finding his Account, than by that Commission. He had talk'd of his being able to discover Secrets of Consequence in the Foreign Accounts, and therefore was worth taking off; and some Persons grew afraid; a Bargain was made, and the Discoveries were no more heard of. An honourable Person, who is principally concern'd in the making

making up that Account, can best tell what the Bargain was. If he should not think it for his Advantage, in due time other Ways will be found to make it appear.

During that Session, the Petitions of the disbanded Soldiers came in so fast, and their Complaints were so loud, that somewhat was to be done to satisfy them. They were amus'd for a great while, by a Pretence of erecting a Court of Judicature for their Relief: But upon the Debate for the Commitment of the Bill it appear'd, that all the time had been lost, and that such a Judicature would be useless, unless the Accounts were stated and adjust'd. And thereupon on the 12th of February 1699. it was recommended to one of the old Commissioners, and another, to bring in a Bill for determining the Debts due to the Army, and for Transport Service; but above a Fortnight having pass'd, and no Bill offer'd, on the 27th the soldiers came to the House in a tumultuous Manner, and threatned that Gentleman by Name. Some Officers who were of the House quieted the Disorder, and it had such an effect, that the second day after he brought in the Bill.

How the Bill of Accounts in 1699. came to be brought in.

It was afterwards found necessary, in order to the bringing about some Designs then on foot, that a great Favorite should be terrify'd, and another Person in a great Office should be kept in awe; and therefore a Clause was added to the Bill for enabling the same Commissioners to take the Account of all Prizes during the War; which as it was then given out, would highly affect them both.

This Passage naturally invites one to an Observation (which every Gentleman who was sat in the House of Commons, upon recollection will acknowledg to be true) that, generally speaking, the same Persons have early in every Session busied themselves, with a great shew of Publick Zeal, to call for all Accounts to be brought before the House: And yet those Gentlemen in no Session did look into the Accounts, or make any significant step towards it. The Proceeding nevertheless was several ways useful to themselves, tho not to the Publick. It had a popular Appearance to all who did not thorowly know the Men. It prevented others from pursuing the Matter effectually, because these Persons seem'd to have charg'd themselves with the Enquiry: And it turn'd to great Account to themselves personally, they were sure to be highly courted, at least by all who were obnoxious. These Gentlemen may be resembled to *Tartars*, whose Incursions are never made to enlarge the Dominions of their Country, but to get Contributions for themselves.

Those seemingly most zealous for the Bills, never inspected the Accounts.

When the Commissioners came to be nam'd, it appear'd that many honest Gentlemen had taken a Surfeit of employing Members in the execution of Offices erected by the House, and therefore press'd hard to have all such excluded; and they succeeded even against their own Expectation. Mere Shame hindred those who were otherwise dispos'd from contending openly for private Interest, in the midst of such high Pretences for the Publick. Yet it is well known who were the Members design'd for this Commission, as well as for that of the *Irish* Forfeitures. When the Report was made of the Names upon whom the Majority fell, for being the Commissioners for taking those Accounts, it may be modestly said it occasion'd no little Surprize. I shall take particular notice only of one of them, — *A—s Esq;* a Person generally known since the Death of Sir *Edmond Bury Godfrey*. He may be a good Accountant, and perhaps a good *Williamite*; but I am apt to think he will not believe it a dishonour to him to have it said, that since the revolution there has been no Alarm of an Invasion, Insurrection or Conspiracy, whereupon he was not seiz'd and imprison'd, unless he sav'd himself by absconding till the Storm was over. Those Sufferings certainly could not be the meritorious cause of his Preference: But it may be remembered that it was fashionable at that time to maintain that there was not a *Jacobite* in *England*.

How Members of Parliament were excluded from being Commissioners of Accounts.

But to proceed, before the meeting of the Parliament last Winter, the five new Commissioners had made a good progress in stating the Debt of the Army. They had also perform'd one thing which was not done before; the making a State of the whole Expence of the late War amount to 41 Millions; in this they had sufficiently expos'd one of the Commissioners nam'd in that part of the Bill which was disagree'd to by the Lords; *Dr. Davenant*, who had before in print pretended, that upon a nice Calculation, the Expence amounted to upwards of 60 Millions. Mistake of 19 Millions is no small one, if Men are so charitable to call it a Mistake. But whether this was his Ignorance, or his ill Meaning, either of them was good Ground for the Lords not to agree to such a Man's being intrusted as a Commissioner to take this Account again.

What the new Commissioners did in the Accounts in 1700.

The Business of this Commission for Stating the Debts of the Army, &c. not being perfected, the House of Commons in the last Session thought the Continuance of the Commission requisite. Accordingly in *March* a Bill to the same effect

Now it was
manag'd to
lay the loss
of the Bill
on the Lords.

was order'd to be brought in, it was committed in *April*, and went through the Committee; and this useful Bill in all probability had pass'd both Houses without Negative, or the least Hesitation, but that was not the thing intended. The Junctionure was very Critical, some Disputes had happen'd between the two Houses, upon account of Delays in prosecuting several Impeachments then depending: The vindicating of Delays in the Course of Justice, was thought no plausible or popular Occasion for a Quarrel, if it stood alone; and therefore other things were to be found out, and the few ill intention'd Men, who took advantage of the Credulity of others, thought that nothing would appear to put the Lords more in the wrong, in the Opinion of the People, than if a way could be found out to lay the loss of a Bill of Accounts upon them; nor nothing was so likely to pass upon the House of Commons, as the proposing such Alterations of the Bill, as might seem to make it more general and effectual. To bring this to pass, at the latter end of *June*, just upon the close of the Sessions, and when the Bill which had pass'd the Year before had been agreed to by the Committee, it was propos'd to add, as an Amendment, the intire old Bill of Accounts. They knew it would be necessary there should be a new Set of Commissioners, and were sure such Men might be nam'd as would not be agreed to in another place. And lest a dislike of Commissioners should not be enough to make the Bill too hard of Digestion for the Lords to pass without Amendments, other Clauses of a very extraordinary nature were added. To demonstrate that the ingrafting the general Bill of Accounts into the other Bill was but a new Thought taken upon the sudden for some Purpose or other, there needs only the reading of the Clause of Appropriation in the Act for laying Duties on Low Wines, &c. (which pass'd the House of Commons on the 16th of *June*, whereas the Bill of Accounts was not pass'd till the 18th) By that Clause Provision is made for the incident Charges in executing the Trust of the five Commissioners for Taking the Accounts of the Army, Transport Debts and Prizes but not the least Care taken for the Expences or incident Charges of the other general Commission, which must have amounted to great Sums, and (if it had really been intended that such a Commission should have pass'd) were certainly highly necessary to be provided for, in a Case where the Commissioners were to have nothing for their Pains.

The Lords
have a
Right to
deliberate
on any Bill
sent to 'em.

The Bill was brought to the Lords on the 18th day of *June*. They have undoubtedly a Right to deliberate upon a Bill sent up to them, and upon every part of it. If the Commons name Commissioners in a Bill, the Lords may consider the Men as well as their Business.

Suppose then that one was known to have no Estate to subsist on, and therefore could not afford to serve for Nothing: Another to be too fond of his Practice, to sacrifice it all to the Publick, without a prospect of Advantage: Another to have too much value for his Wit, to venture the dulling the Edg of it upon hard and crabbed Accounts. Suppose that some Lords knew the story of a certain Gentleman's getting, by great Solicitation, a pretended Security of 10000*l*. from his Friend, when there were not six Pence due to him, nor he worth 100*l*. in the World; in order by that Deceit to procure himself a Wife. Suppose that other Lords might think it ominous to see a New Bill of Accounts, with a certain Gentleman's Name in it, and presently apprehend another Assassinating Year; and remember who refus'd to act in the former Commission after *Charnock's* Conspiracy was discover'd, and subscribing the Association made necessary to qualify him for acting. Suppose it to be known, that none of these Commissioners were eminent for Skill in Accounts; might not these, or other better Reasons move the Lords to dislike the Bill for the sake of the Commissioners?

Had there been no other Reason for the Lords to object to the Commissioners than that they were known to have been principally concern'd in the drawing of all those Messages of that Session, wherein the Lords were us'd in a more disrespectful manner than ever had been practis'd in any Age: Yet that alone might have justify'd them to the World, for not agreeing to such Commissioners.

But tho the Persons had been every way qualify'd, yet the Lords had reason to be jealous of agreeing to a Bill by Wholesale, where so many distinct Acts were so grossly tack'd together; a way of imposing upon the Peers, which has grown so fatal of late, and is so evidently destructive of the Constitution, as to make it necessary for the Lords to lose no time in putting a stop to it.

Besides all this, the thing carry'd a manifest ground of Suspicion in the face of it. So great a Trust to be lodg'd in Persons that offer'd themselves, rather than were chosen. Men are suspicious of one another, even to an unreasonable degree

Why the
Lords
might not
be willing
to agree to
the Bill.

degree: but there was surely a fair and natural occasion given to weigh well what Inducement could be strong enough, in this ungrateful Age, to prevail with any Body so frankly to undertake a tedious, unthankful, dangerous Business, without any prospect of Interest; and to search very inwardly into the Men, before coming to an Agreement to give them such large Powers, and to trust them in an Affair of such Consequence.

There was another thing of great Weight to be consider'd by Persons of Honour and Integrity, before they could give their consent to this part of the Bill. It had passed in the same Words into a Law several times, without producing the least Good to the Nation. It was therefore plain, either that it was an useless and insignificant Law, or else the former Commissioners had all shamefully fail'd in their Duty. Men of Candour would be unwilling to believe the latter, and therefore would rather impute it to the defects of the Act. But whether the Defect was in the Act or the Commissioners, it was certain somewhat was wanting, and it was fit the Nation should be no longer deluded with the Name and the Pretence of a Commission of Accounts.

The Bill, tho pass'd in the same words before, produc'd no good to the Nation.

All wise and honest Men must be of Opinion, that for the Satisfaction of the Nation, and for the Vindication of those thro whose Hands the publick Mony has passed, in case they had behaved themselves well, or for bringing them to Justice if they have fail'd in their Duty, the publick Accounts ought to be examin'd and stated, and in order to it, that it was reasonable to have an effectual Law made. The former Law, tho six several times enacted, had produc'd no good effect, and therefore something more was to be done; it deserv'd to be thorowly consider'd, whether this should be by making the Act more compulsory on the Commissioners, by prescribing to them a Method, and requiring them to pursue their proper Business in the Order the Act should direct; that so they might no more be left at large to do every thing but what they were charged with, nor have the opportunity of shewing Partiality in Preferring and Postponing; in driving on some Men unreasonably, and suffering others to live at ease, and act as they pleased: In a word, that they might be no longer left so at Liberty, as to do nothing to answer the true Ends of a Commission of Accounts, which was, that the Kingdom might see how the great Sums given for the War, had been disposed of. It is certainly difficult to frame a Law to answer fully those Ends, and it was inexcusable to abuse People with the same insignificant Law again, after so many disappointments. Since therefore at the end of a Session, it was not possible to frame and settle a Bill, with so much Consideration as the Nature of the thing requir'd, and the Kingdom expected; it seem'd to be honourably done by the Lords, rather to deal openly, and for the present to lay it wholly aside. Accordingly the Lords left out all that part of the Bill, and this was the first and principal Amendment which the House made.

Accounts of the Nation ought to be stated for the Satisfaction of it.

The second Amendment was the laying aside a Clause which oblig'd Mr. Parkhurst and Mr. Paschal, two of the Commissioners of Prizes, before the 1st of September, 1701. to make up and deliver upon Oath an Account of all the Prizes taken during the War, in the Method and Form which should be prescrib'd to them by the five Commissioners of Accounts; and in default thereof, upon a Certificate of any three of those Commissioners, the Chief Justice of the King's Bench was requir'd to commit them to the Tower, to remain in Custody without Bail or Mainprize until the end of the next Session of Parliament.

The Lords Amend-ment as to Mr. Parkhurst and Mr. Paschal's Accounts.

It may not be amiss to observe how little this Bill as it came to the Lords was consistent with it self. By the general Reviving of the several Acts for taking the publick Accounts, the Account of all Prizes was put under the Power, and made part of the Duty, of the seven general Commissioners therein named; and yet by the same Bill the Account of all Prizes was expressly put under the Care of the five Commissioners for stating the Debt of the Army, and by this Clause these last had an Arbitrary Authority of prescribing Method and Time. So the Lords were to agree to a Law, whereby the same Persons are made accountable for the same Matters, at the same time, to two distinct Commissions. This is a convincing Evidence that the Bill as it stood, had not been consider'd much in one Place, nor was fit to be agreed to in the other.

The Bill as it came to the Lords inconsistent.

Mr. Paschal was heard by his Counsel at the Bar of the House of Lords, and produc'd Witnesses to prove that Mr. Parkhurst and he had endeavour'd, but had been deny'd to be heard in another Place, what they had to say against the Clause. Their Counsel offer'd in their behalf divers things, to shew that it was Impracticable

Mr. Paschal heard at the Bar of the Lords cable House.

cable for them to make up an Account according to a Scheme which the five Commissioners had before that time prescrib'd to them, and their failing in that seem'd to have been the Occasion of this severe Clause. As soon as that appear'd, no wonder it touch'd the Lords, and made them fearful of subjecting the Persons of *English* Men absolutely, without being heard, to so long an Imprisonment, if they should not be able to comply with a method of Accounting, which did not at that time appear; and so no Man could be sure whether it could be Practicable or not, especially when it was to come from the same Persons who had insisted upon a Scheme impossible to be comply'd with: and yet these very Men were made the final Judges of the Matter, for their Certificate was to be Conclusive; the Chief Justice he was to be ministerial only, and to commit if they requir'd.

It was also insisted upon as highly unreasonable to single out two of the Commissioners of Prizes, and to oblige them under so heavy a Penalty to make up the Accounts of the whole Office, without any appearing Reason why they should be so distinguished, when there had been many Commissions and Commissioners of Prizes before one of those Gentlemen came into the Commission.

*Votes of
the Com-
mons con-
cerning
them dis-
ferent.*

That which gave the more Weight to this Argument, was the Observation of a Remarkable Variety in the Votes which had pass'd on this Occasion, and were printed, and which might give a reasonable Ground to honest Men to consider what the meaning could be. On the first of *March* all Persons who had been Commissioners of Prizes, or had been Officers to them, were order'd to be aiding and assisting to Mr. *Parkhurst* and Mr. *Pascal*, in making up of the Accounts requir'd of them. Upon the 3d of *March* it was order'd, that an Account should be laid before the House of all Prizes taken during the War, and how the same had been disposed by the respective Persons concern'd therein. This Vote was reinforc'd, and made to speak yet more plainly by an Order of the 21st of *March*, That every Person any way concern'd as a Commissioner or Officer in the Commission of Prizes should join in making up the Accounts of Prizes, during the respective Times they were in the said Commission, according to the Scheme directed by the Commissioners of Accounts, and requir'd by the House. And yet, after all this shew of Equity in these two latter Votes, by subjecting equally all Persons concern'd to make up this Account, without any visible Cause, the old Displeasure against these two unfortunate Gentlemen return'd again; and upon the instant of passing the Bill in the House of Commons, the Clause for obliging them two alone, under so heavy a Penalty, to make up the Accounts, was made part of it.

*The Reason of their
so voting
differently.*

It cannot be pretended but this must have an odd Appearance to all indifferent Men, who were not let into the Secret: Altho such as had a mind to penetrate into the true Causes of these great Variations in the Resolves, might reflect, that it was convenient to cajole a certain Person who had been of the Commission of Prizes about the beginning of *March*, to draw him to a Compliance and very necessary, about the latter end of *March*, when he prov'd backward in complying, to terrify him into Discoveries, and proper to spare him again when he had answer'd their Expectations in laying open some Secrets. But very few who were out of the Intrigue could satisfy themselves to approve of such Methods and become Parties to them, by agreeing to such a Clause.

It was also made out at the Bar of the House of Lords, that there was a Treasurer of the Prizes appointed by the King under the Great Seal, in whose hand all the Prize-Mony was lodged, and that there was an Accountant-General appointed, whose Business it was to keep the Accounts of the Prizes; neither of which were of the Nomination of the Commissioners, and yet were the proper Persons to make up the Accounts. This Consideration might move the Lords to think it more reasonable, and more likely to prove effectual, to let this Account like other Accounts, stand upon the General Words of the Bill, which did verily empower the five Commissioners to take the Account of Prizes, and require all Persons whatsoever (who were by Law liable) to make up that Account, rather than to put things out of the natural Course, by agreeing to a Clause which seem'd so very hard and impracticable, as well as unnecessary.

This being the true State of the Case, it may be seen with what Justice it could be affirmed, That by the Lords disagreeing to that Clause, these two Persons were exempted from accounting; when the truth was, that notwithstanding the rejecting of this Clause, they did not only stand liable to account according to the ordinary Rules of other Accountants, but continu'd oblig'd, by that part of the Bill which was agreed to by the Lords, to account before the five Commissioners, according

to the special Directions of that Bill, which was in Terms the same as had passed the Year before.

The third Amendment made by the Lords was by leaving out a Clause concerning Mr. *Whitacre*, who had been Solicitor for the Admiralty and Navy, whereby the seven Commissioners were empower'd to examine into his Accounts, and the Nature of his Services, and Vouchers, and method of passing his Accounts; and report what they thought Extravagant and Unreasonable.

The Lords Amend-
ment as to
Mr. Whit-
acre Solli-
citor of the
Admiralty.

It would be enough to shew the Lords were under a necessity of disagreeing to this Clause, whereby the Examination of this Matter was appointed for the seven Commissioners, because they had disagreed to the constituting those Commissioners, and so that Clause must fall of course. But the best way is to speak to the thing it self as it truly passed, because nothing has been more endeavour'd to be misrepresented than the leaving out of this Clause, it having been said, that so scandalous Accounts were never seen. It is to be hop'd there may be a mistake in the harsh Representations of those Accounts; because if they should be indeed so Extravagant and Unreasonable, it ought certainly to fall heavy on the Persons who passed them.

But be the Accounts fair or not, it must be own'd, that the Lords rejected the Clause, without the least regard either to *Whitacre* or his Accounts. The Consideration upon which it was rejected, was merely to avoid a most dangerous Precedent, which in consequence would have broke the Credit of the Navy, much more than was observ'd at first view. For by introducing such a Method of Re-examining Matters, which had pass'd in the usual Forms, the Estate of every Merchant in *England*, who had dealt with the Navy, might have been subjected to the Process of the Exchequer, and their Bargains and Accounts to a Re-examination.

Why the
Lords re-
jected that
Clause.

It appeared, that Money was from time to time imprest to *Whitacre*, to be laid out for the Service of the Admiralty, and his Account for those Services had been examin'd in the usual Manner, and allow'd by the Navy-Board, and his imprest Bills taken up, and he discharged according to the Method of Accounting in the Navy, and this for ten Years together. If after all this, it should be admitted that these Matters might be drawn over again, and the Nature of his Services again inquired into, and his Vouchers re-examin'd; by the same Rule, any Dealer or Contractor with the Navy, who had perform'd his Contract, and taken up his imprest Bills, and had perfect Bills made out for his Discharge, upon a bare Suggestion, might have his whole Account, and all the Transactions upon his Contract laid open again, under pretence that there was some Deceit upon the King in his Contract, or some Abuse in the Performance of it. It is easy to foresee how great an Alarm this would have given to all the Merchants of *England*, where they, or any of their Families had been engag'd in such Contracts.

Whitacres
Accounts
had been
regularly
pass'd by
the Navy-
Board ten
Years to-
gether.

And no wonder if the Lords were cautious in passing so extraordinary and dangerous a Clause, unless some very particular Occasion had been made out by proof; especially at a time, when most of the Lords thought a War might not be very remote, and consequently a breach upon the Credit of the Navy might prove fatal. And even, if it had been prov'd, that *Whitacre* was very faulty; yet it might be a great Question, whether it were not better for the Publick, that they who passed his Accounts without just Vouchers, should be made answerable to the Nation, than that so pernicious a Precedent for the Disturbance of the Subject, should be agreed to.

The Danger
of such a
Clause.

These were the Parts of the Bill sent up from the Commons, which were disagreed to by the Lords. All that part of the Bill which related to the Commissioners for stating the Debts of the Army, Navy, and Transport-Ships (which was indeed the whole Act that passed the precedent Year) was pass'd without Alteration. Therefore if any publick or private Inconvenience should arise by the not continuing of that Law, the blame will in no sort fall upon the Lords, who pass'd it as it came to them, and return'd the Bill to the Commons with all possible Expedition. It was sent up to the Lords on the 18th, and order'd to be return'd to the House of Commons on the 23d of June.

The Parts
for stating
the Debts
to the Ar-
my, &c.
pass'd by
the Lords
without
Alteration.

If the House of Commons remain'd unsatisfy'd with any of the Lords Amendments, the known, and only Parliamentary Method to set such a Matter right, was by desiring a Conference; at which they might offer their Reasons to the Lords, for disagreeing to their Amendments, in order to convince them of the Reasonableness of quitting them. To leave this Method, is to decline all Parliamentary Correspondence; for the two Houses, after any difference in Opinion, can never

Unpar-
liamen-
tary Pro-
ceedings of
the Com-
mons on
the Lords
Amend-
ments.

be brought to be of a Mind (tho both should be desirous to agree) unless by Conferences. It cannot be denied, but the Commons had time enough to have delivered their Reasons to the Lords, to incline them to wave their Amendments, if they had been pleased to take that natural Course. But instead of desiring a Conference, and offering their Reasons there, a Vote, without a Precedent, was made, to print their Reasons, which was offering them to the People, instead of offering them to the Lords. Well-meaning Men may be puzzled to think what Construction ought to be put on this Proceeding. The Reasons when printed might have an effect on People without doors, but could not possibly have an effect towards passing the Bill. Suppose them to be strong enough to satisfy every individual Lord, that he ought to wave the Amendments; yet for want of their being propos'd at a Conference, the Lords could not, by the Methods of Parliament, desist from the Amendments. If it should be said, that some Men had less regard to the passing the Bill, than to get a point of Popularity at that time; it would not be easy to give a solid Answer to such a Reflection. These Reasons were printed amongst the Votes of the Day, and reprinted in the Pamphlet before mention'd; and every one is at liberty to make his own Judgment of them, as he finds himself disposed; as also, whether any thing observed in this Paper, has any weight. But I cannot forbear to remark, that one of those Votes seem'd to Men without doors, to contain a direct mistake in point of Fact: *That by reason of their Lordships disagreeing to the several parts of this Bill, the Supplies provided by the Commons for paying the Arrears due to the Army, must of necessity prove to be ineffectual, till another Session.*

The Lords Amendments not the Cause of the Supplies for the Arrears of the Army being ineffectual.

Every body, who has taken notice of it, says, it could not possibly be for that Reason.

First, Because the Lords agreed to every Word in the Bill, relating to the taking the Accounts of the Army; and therefore the earlier or later Application of the Supplies to the Uses intended, cou'd be in no sort influenc'd by their disagreeing to the other parts of it.

Secondly, The Commons, in Favour, or perhaps in Compassion, to the forfeiting Persons, had thought fit to insert a Clause into the Bill for the Land-Tax which they had pass'd before, *That none of the Forfeited Lands in Ireland should be expos'd to Sale, till after the 25th of December, 1701.* This Clause alone had made the Supplies, as to the purpose of paying any Arrears to the Army before another Session, ineffectual. But so little was it really intended to have any Arrear paid before another Session of Parliament, that by a Clause inserted into the Bill of Low-Wines, it was enacted, *That none of the Lands of those that Petitioned the House of Commons, should be sold till after the next Session of Parliament.* How could it then be affirm'd, that the Lords Amendments were an occasion that the Land were not dispos'd of for paying the Soldiers Arrears before the next Session when by a Bill pass'd the Commons, before these Amendments were made, no Land could be dispos'd of till the Christmas following (by which time another Session might be expected) and by another Bill, the bare exhibiting a Petition to the Commons, without any Examination of the Truth, or Reason of the Matters contain'd in the Petition, was made a sufficient Ground to secure the Estates of many Irish Papists from being dispos'd of, till after they saw the Event of another Session? I say, without Examination of the Truth, &c. because a bare Affirmation to the Commons, or to any Persons appointed by them, can't be look'd on as an Examination into the Truth.

Irish Lands were to have been sold to the Army.

Had it not been for these two Clauses in the two abovemention'd Acts, the Land were to have been sold the 24th of July, 1701. and some of the Regiment who were most forward in their Accounts, might have had relief immediately; but thereby they were all postpon'd till Christmas, and most of them for a much longer time: For I know of no Provision made for the Payment of those Arrears but the Sale of those Lands.

May it not be allow'd to remark, that amongst all the Observations sent over by the Commissioners of the Irish Forfeitures, in order to have the Explanation of the Parliament, there was no Notice taken, or any Explanation given of any of the Points, which might have augmented the Forfeitures? On the other hand, by the two Clauses, further Relief and Time was given to the forfeiting Papists, for entering their Claims, and postponing the disposal of their Lands to answer the End of the Act.

It may be truly said, that they were not at that time without hopes (tho possibly very vain) of what a Year or two might produce.

It may be naturally enough objected, that the two Clauses in these Acts are of a strange Nature; and since they seem to cast a Blemish on those who passed them, the Lords can hardly form a good Excuse for themselves from thence.

The Answer to this is plain: It is certain such Clauses never would have pass'd the Lords, if they had not brought their Charm along with them; that is, if they had not been tack'd to Money-Bills. Let any indifferent Man read that Clause in the Land-Tax, fol. 347. and more especially the Clause 498, &c. in the Act for Low-Wines; and let them judg if those Clauses would have been agreed to, if they had not been inserted in Bills so very necessary and pressing. Time must shew how long this Charm is to last; but if it be not soon at an end, without any Gift in foretelling, it will not be hard to say, what Body of Men must quickly become useless.

There never was a better opportunity than at the end of the last Session, to make the Lords swallow such Bills as these. There was a sense somewhere, that the steady Proceedings of the House of Lords, in doing Justice impartially, had given them a deserved Reputation; and therefore it was thought of no little Moment to provoke them to things seemingly unpopular, or what might have the appearance of obstructing the publick Interest. If their making some Amendments to the Bill of Accounts (which if duly weighed, were of no Importance to the Publick, and could not in Justice or Honour be agreed to) has produc'd such a Libel as the Pamphlet abovemention'd, what Volumes of Venomous Reflections might the same Author have entertain'd the World with, if the Lords had made the proper Amendments, by leaving out the Clause in the former of these two Bills, which gave the Supplies of the Year, or in the latter, which contain'd the Approbation of all those Supplies? This was understood, and these hard Clauses abounded in more Bills than that for taking the Accounts.

How the Commons made the Lords pass some Bills.

It is just to remark, how sincere a desire the House of Lords had, that the Officers and Soldiers should, as far as was possible, have all the Advantages intended them by this Bill: for on the last Day of the Session, as soon as it was understood that the Commons, instead of desiring a Conference upon their Reasons, had order'd their Reasons to be printed, (so that it was plain, there was no possibility of having the Bill pass, either with or without the Amendments) it was moved that an Address should be made to the King, to empower the same five Commissioners, named in the Bill, to execute, as far as by Law might be done, the Powers in the former Act for taking and stating the Accounts of the Officers and Soldiers; and it was carried by a great Majority. But there was a Management to make this good Design Abortive, by some who pretended to have a concern for the Soldiers. So much time was spent in the Debate, that his Majesty came (before the Votes were reported) to the House. But it may be affirm'd with Assurance, that since the before-mention'd Clauses in the two other Acts had made any Disposition of Lands impracticable, the Officers and Soldiers, by such a Commission, would have had all the real Advantage they could have expected from the Bill, if it had pass'd before another Session.

The Lords desir'd the Officers, &c. should be taken care of.

The Memorandum, added in the close of the Pamphlet, must not be pass'd by unobserved. It is printed in a different Character, to have it taken Notice of: *That some great Lords, this present 14th of June, 1701. remain Accountable to the King and Commons of England, for many Millions of publick Monies by them receiv'd, during the late War.*

I will not reflect on the manner of wording this Memorandum, as if they were not accountable to the Lords as well as to the Commons; since every Bill of Accounts which has pass'd before or since the Revolution, confutes so absurd a Notion. But what I would remark, is the Malice of the Insinuation; as if there had been a partiality in the House of Lords, and they had a design to favour any of their own Body in the point of Accounting: It is not only an unjust, but a groundless Suggestion. For as far as I have heard, there is only one Peer who is accountable for any Money given for the Uses of the War; and I am well assur'd, all that Lord's Accounts have been before the proper Officers to be examin'd, and are all deliver'd in to the Auditors of the Imprests; and I am certainly inform'd, all the Officers concern'd must and will own, that never any Accounts have been follow'd and press'd on with greater diligence, in order to bring them to a Conclusion.

The Malice of some against certain of the Lords House.

By what has been offer'd, it appears very unjust to take occasion to reflect upon the Lords, who voted for the Amendments to the Bill, as if they were not earnestly desir'd.

desirous to see a good and effectual Bill of Accounts pass'd. The contrary of that will certainly appear, whenever there is an opportunity of passing such a Bill.

The true Reason why these Lords were for laying aside that part of the last Bill which related to the general Accounts, was because they were convinc'd by Experience, it would be wholly ineffectual to answer that Design.

It may be also justly said, there were weighty Reasons for the Lords declining to agree to other Clauses tack'd to that Bill. As also, that if the Commons had Reasons to make good the Bill as it was sent to the Lords, yet by their waving the Parliamentary Method of Conferences, they made it impossible for the Lords to agree with them; so the Bill must necessarily fall for that Cause, and its loss lie at the Door of the Commons.

And lastly, It is clear, that if the Officers and Soldiers find any Inconvenience for want of renewing the Act of the preceding Year, for stating the Debts of the Army, it cannot lie at the Lords Door, because they agreed to it exactly as it has pass'd before, and return'd it to the Commons in time.

Anguis in Herba:

Printed in
1701.

Or the fatal Consequences of a Treaty with France.

Wherein it is proved, that the Principles whereby the French King governs himself, will not allow him to observe any Treaty longer than it is for his Interest to break it.

That he has always aimed at the Union of the Crown of France and Spain since the Pyrenean Treaty.

That, notwithstanding his Pretences to the contrary, such is his Design at this day. And,

That nothing can prevent it, but to reduce his Power to such a Degree, as may perfectly break his Measure.

Homo versutus & plerq; fraudibus miscens, usq; in sola ponens utilitate, & veritatem mendacio nihilo meliorem aiebat, sed utriusq; pretium & dignitatem usu definiebat, qui pueros talis, viros sacramentis decipi debere iudicavit.

Plut. de Lysand

*What must
be done by
those who
seek Uni-
versal Em-
pire.*

THERE are three things absolutely necessary to be done by those who aim at Universal Empire: 1. They must conceal their true Design, lest their Neighbours should unite to destroy them, as common Enemies are Plagues to Mankind. 2. They must divide their Neighbours as much as possible in their Counsels at home, and in their foreign Interests in relation to one another, and in this lies the great Mystery of all their Conduct, which if he that aims at Universal Empire, can be so happy as to effect, it infallibly brings him to his desir'd Haven.

and in this lies the great Mystery of all their Conduct, which if he that aims at Empire, can be so happy as to effect, it infallibly brings him to his desir'd Haven; for by this means he supports the weaker against those that are more powerful, and consequently most able to cross his Designs: Without regard to right or wrong, he defends a People against their Prince, or a Prince against his People; or in Governments that incline to be Popular, he creates Divisions, and plays one Party against another. Thus, however powerful such a State may be in it self, its Divisions will render its Government weak, and its Friendship of no Reputation, it being altogether unable to enter into such vigorous and effectual Measures with its Allies, as its own Interest and the common Safety require. By these Arts he that aims at Empire becomes Arbitrator and Umpire of all his Neighbours Differences whether Foreign or Domestic, which he is sure to reap the solid Advantages, by enlarging his Empire, and weakening his Neighbours and Enemies; and by keeping Animosities and Divisions on foot among them, he prevents their uniting for their common Safety, till they all by degrees become his Prey.

The third thing is, That they never make a Peace but of Necessity, nor observe it longer than till it become more profitable for them to break it than to keep it. The true and natural reason why a Prince that aims at Universal Empire must never observe any Peace longer than 'tis of Advantage to him, is, because the End that he proposes is founded in Violence, Rapine and Injustice; for it is a Contradiction to say that a Prince affects Empire, and yet will be satisfy'd to confine himself within the natural Limits of his own Dominion. Hence it follows that such an Empire must be founded upon the Spoils of his Neighbours; and it is as evident that every Peace made between such a Prince and his Neighbours, would prove an invincible Barrier between him and the End he propos'd, if he resolv'd to observe it. 'Tis then very plain, that in all such Cases, Religion, Oaths, and the Law of Nations (which are the natural Guaranties of every Peace) are no otherwise made use of, than as solemn Cheats to catch and ensnare those that depend on them. And as such a Prince can have no Faith, so he can have no regard to Justice; for the End he proposes is an universal Robbery, which is the most unjust thing in the World: Nor can he have any Tendernefs or Compassion for the Miseries of Mankind; for as the End he proposes is the most unjust, so the Means to obtain this End are the most barbarous, inhuman and cruel that are possible to be acted, viz. Treasons, Rebellions, Wars, Blood, general Desolations and Oppressions, with all those Trains of Ruin and Misery that attend them. These being both in Fact and Reason the plain, necessary and undeniable Consequences of aiming at Empire, it is easy to be observ'd, 1. That whoever makes that his Aim, cannot *bona fide* be of any Religion, because both the End propos'd, and the necessary Means of obtaining this End, are most unjust, violent, cruel, and directly repugnant to the Principles of all Religion, whether natural or reveal'd: and of consequence such a Prince is not to be bound by Arguments or Obligations deduc'd from any Religion. 2. That all those most grossly deceive themselves, that treat with such a Prince, out of a prospect that he will religiously and *bona fide* observe the Treaty; for that would stand in his way between him and his great Design of Empire: Therefore it is evident that such a Prince never enters into a Treaty, but with a real Design to deceive others, and to reap the solid Advantages of every such Treaty himself; such as are, generally to break or prevent Confederacies against him, to disarm and divide his Enemies, to secure new Conquests or Accessions of Dominion, or lastly, to put the Revenues, &c. of his own State in a better Condition.

These are Truths that seem to me undeniable; and the necessary Consequence that I shall deduce from them, is this, That whenever Providence shall so far second the Prudence of the Measures of those States and Powers that are Neighbours to such a Prince, as that an Alliance can be form'd of Strength sufficient to be able to reduce such an Aspirer to Terms of Moderation and Equality, they are indispensably oblig'd to make use of that Force to reduce him to those Terms of Moderation and Equality, and never to treat with him upon any other foot: for otherwise the Princes and Governors of those States and Powers, with all those who gave them contrary Advice, become answerable before God and Man for that Misery and Ruin that shall afterwards fall upon such States, either thro the Ignorance or Treason of their Governours or Councils.

I think it were a needless trouble given both to my self and my Reader, to go about to prove that the French King has all along aim'd at the Empire of this part

They keep Peace no longer than for their Advantage.

They can be of no Religion.

Their Neighbors must make use of Force to reduce them.

French King has aim'd at the Empire of this part of World.

of the World: This is a Truth so clear, that there is none that needs to be convinc'd. His Invasion of *Flanders* and *French County* in 67 and 68; his Invasion of *Holland*, *Flanders*, *French County*, and *Germany*, from the Year 72, to the Treaty of *Nimeguen*, sufficiently speak this Design.

How he
treated the
Empire,
&c. on the
Treaty of
Nimeguen.

But if this be not enough, let us consider with what Indignity he treated the Empire and *Spain* after the Peace of *Nimeguen* had disarm'd them, and rendred them incapable to oppose him, by those great Advantages it gave him over them; for in contempt of the said Treaty he refus'd to deliver up those Places in *Germany* which by that Treaty he ought to have done. By virtue of the Chambers of *Reunions* which he set up, he laid claim to, and seiz'd several considerable Countries in *Germany* and *Flanders*, and among the rest the noble Garrisons of *Luxembourg* and *Strasbourg*. This indeed alarm'd *Europe*, and produc'd the League of *Ausburgh*, which was a League defensive against *France*, enter'd into by several Princes and States in the Year 83; but when *France* had got all she thought convenient to attempt at that time, she took care to secure her Usurpations to her self by a Truce of 20 Years, entered into between her, *Holland*, *Germany* and *Spain*, in the Year 84, at a time when the Empire had no Power to do it self right because of the *Turkish* War. In the Year 1680, what Arts and Threats did not *France* make use of to engage the *Dutch* to enter into a strict Alliance with her, by virtue of which *France* offer'd to give them the sole *French* Trade, exclusive to all other Nations, and constantly to maintain an Army of fifty thousand Men for their Defence, and the States need keep only ten thousand Foot and six thousand Horse and Dragoons in their own Pay? What Intrigues did not *France* set on foot in the Empire, and what advantageous Offers did she not make it if they would elect the Dauphin King of the *Romans*? And did she not gain the Consent of all or most of the Ecclesiastical Electors? And were not the *Turks* call'd into *Hungary*, that the Empire might be forc'd to throw it self into the Protection of *France* upon any Terms, when she saw her Offer slighted? Tho *France* miscarry'd in the three last Points, yet by her foregoing Measures, and by placing the Duke of *Anjou* upon the *Spanish* Throne, she has rais'd her self to that high pitch of Grandeur of which she now stands possess'd, and which must inevitably destroy the remaining Liberties of *Europe*, and the Reform'd Religion, if *England* at this time does not engage in such vigorous and necessary Measures with the Emperor, *Holland*, and their other Allies, as (by the Blessing of God) will prove effectual to reduce the exorbitant Power of *France*, put a stop to her ambitious Designs, and bring Safety to us and the rest of *Europe*; and this is only to be effected by making the War against *France* as universal as possible, to the end she may not be at liberty to turn her whole Force against the Emperor in *Italy*, nor be able to support so prodigious an Expence as she must be engag'd in by such a War. But since the Success of the Emperor's Arms has broke the Measures of his most Christian Majesty by making *Italy* the Seat of the War: Since this Success has discover'd the weak side of *France*, and a sure way to reduce her to a moderate degree of Power; and since this has given Incouragement to form an Alliance against her of sufficient Power to wrest the *Spanish* Monarchy out of her Hands, *France* has no way left to secure to her self any considerable Part of the Spoils of *Spain*, to break a Powerful Confederacy that is on all hands forming against her, nor to repair her exhausted State, but by using her utmost efforts to set some new Negotiation on foot this Winter, and to make some new Treaty of Partition, which must in its Consequences prove fatal to ours and the common Liberties of *Europe*.

Empire
not to be
wrought on
by France.

The Conduct of the Imperial Court has been too steady and just in all its steps since the Treaty of *Reswick*, to make us apprehend that *France* will be able to gain her Point there. When both we and the *Dutch* were engag'd in Measures with *France* to justify the Treaty of Partition, which tended so much to the Dishonour, and was so repugnant to the Interest of the Imperial Family; the Imperial Court could neither be allur'd nor terrify'd to give into them: For this Cause principally, and from several considerable Accidents that have since hapned in *Spain* and *Italy*, we have reason to believe that the House of *Austria* has preserv'd its Interest pretty intire in that Monarchy, which sees it self upon the Point of becoming a Province to *France*. God Almighty has justify'd the Wisdom of a Conduct so prudent *France* by a very different Procedure has lost her new Friends, and the House of *Austria* has regain'd her ancient Allies. In short, we are now assur'd that the great Alliance is concluded between the Emperor, *England*, *Holland*, and several other considerable Princes. More than this, the Emperor has justify'd his Right to the *Spanish* Succession; he has made a great Effort in sending a considerable Army of

Veteran

Vétérane Soldiers under the Command of brave and experienc'd Officers into Italy, where hitherto his Success has been equal to the Justice of his Cause. Whoever will consider the Prudence and Steadiness of those Measures, all which were enter'd into when the Emperor was not sure of any Support either from us or the Dutch, will find no reason to believe that the Emperor will enter into any Negotiation with France, or divide a Succession which of Right belongs to his own Family.

As for Holland, 'tis true their Affairs were in a very melancholy condition, when his most Christian Majesty resolv'd to quit the Treaty of Partition, and adhere to the Will of the deceas'd King of Spain. Their Troops were few, and a considerable part of them, with their whole Barrier in Flanders, were surpriz'd out of their Hands. The Measures they had taken in relation to the Treaty of Partition had separated them from their antient Allies. They presently found that notwithstanding the late complaisant Measures they engag'd in with his most Christian Majesty, their Interests could never be made one; unless D^r Avaux could have bully'd them with that haughty Memorial, wherein he fairly insinuated what they were to expect, except their future Conduct might make them merit the Honour of his Master's Protection; which Memorial was back'd with a formidable Army on their Frontiers. And to shew the Truth of their then Condition, let us add this further Consideration, that the most part of their Frontier Towns were unfortify'd and defenceless, and liable to be insulted by the numerous Troops of their Enemies. 'Tis from the Dutch Conduct in so desperate and nice a Conjunction, that we are to admire the Prudence, Steadiness and Courage of that Powerful State, thro all which the great Wisdom and Magnanimity of our King most conspicuously shines. They set a Negotiation on foot, and under the Pretext of it they laid out their Money in fortifying their Frontiers, in raising a powerful Army, and in establishing their antient Alliances. In Conjunction with the King (who if Report has not been a Lier, has mortgag'd his own Patrimony to bear up our Part in so necessary an Expence) they give great Support to the Emperor's Army in Italy, upon the Success of whose Arms the Sum of Affairs depends.

Holland in a very low Condition at the D. of Anjou's Succession.

The Prudence of the States, &c. thereon.

To crown all this, when that High Esteem and Credit which those Personal Qualifications and singular Disinterestedness have so worthily procur'd him in all the Courts of Europe, was so well supported by the Confidence of his People express'd in the Resolutions of the Lords and Commons in the last Sessions; this gave Life and Credit to those Measures and Alliances that were forming on the other side of the Water.

When all these Measures were taken, and the Dutch saw themselves in a Condition not to receive Laws from their Neighbours; then it was that the King and they thought it time to break off all Negotiations with France, which they saw could end in nothing but breaking and disarming the Confederates, and in establishing France in her late unjust Acquisitions, which without that new Accession of Dominion was already too powerful.

Whoever will examine the Dutch Conduct, which I think I have fairly stated, will find in it nothing of Weakness; 'tis in all its Steps, Prudent, Steady, and Bold: From whence we may fairly make this Inference, That they both knew their Interest, and were unanimous in prosecuting it; and that we are not to apprehend, that in their present Circumstances they will enter into a Treaty with France, when that Monarch was not able to persuade or frighten them into Terms in their late unfortunate Circumstances.

The Dutch Conduct then very prudent.

But if any one shall ask me why I am so much in pain about a Negotiation with France, since D^r Avaux is recall'd, and the Treaty at an end without any appearing prospect of its being renew'd. Besides, I have given Reasons why I am of Opinion that neither the Emperor nor the Dutch will be willing to enter into any Treaty with France. And nothing can be more visible than that it is directly repugnant to the Interest and high Character of the King to enter into such a Negotiation, whose constant Honour and Glory it has been to shield Europe from that exorbitant Power. Notwithstanding the Truth of all this, which I acknowledge, yet I will offer those Reasons that compel me to believe that France will leave nothing unattempted to set a Treaty on foot this Winter; and in the next place, that it is by England only that she can have the least hopes to succeed in this Attempt, which is the Reason I think myself oblig'd to give this Caution against any such Treaty.

Why we should fear a Treaty with Fra.

They will endeavor a Treaty with us.

I am induc'd to be of this Opinion, because of the ill state of the Revenue of France, which is mortgag'd in a mighty Debt, for which a great Interest is paid. This Debt some Years ago consisted of between 33 and 34 Millions Sterling only

Because of the ill state of its Revenue.

to the Town-house of *Paris* *, for which Interest was paid at 5 per cent. near 1700000 l. The same Author tells you that in the Year 1700 his Expence exceeded his Income 1 Million Sterling, and this when his Army consisted only of 120000 Men, and before the Death of the King of *Spain*.

The Debts
of that
Country in-
creas'd.

That Debt is without doubt greatly increas'd since by the Intrigues that were manag'd in the Court of *Spain* to obtain the Will, besides those that were openly carry'd on in all the Courts of *Europe* by force of Money, Faction, Promise or Threats, to engage them to comply with his Pretensions, which if they take effect, must inevitably prove fatal to them all. Add to this his great Armaments by Sea and Land, his Alliances with *Portugal*, *Savoy*, *Bavaria*, *Cologne*, and the neutral Princes, but above all, the expensive War in *Italy*. These are great and visible Expences, of which a very considerable part are necessarily to be made out of his own Kingdom. Besides the oppressive Methods that were us'd to raise Sums equal to so great an Expence, 'tis certainly known that *France* has borrow'd several Millions from the *Genoese*, and much more upon the Credit of the Town-house of *Paris*. So that these great Debts and Expences coming upon the back of those which the last War left that Crown engag'd in, that Monarch finds his Country more exhausted, and his Revenues in a worse condition at the Eve of a general War now ready to break out upon him, than ever they were in the most difficult part of his Reign, at the end of his most expensive Wars.

But if *France*, upon any Terms, however destructive and ruinous to the People, were able to support their Monarch in his present Usurpations and unjust Projects, I freely own that no Argument that could be drawn from the Misery which the Execution of those Projects would bring upon his Country, would move me to believe that he would give up his Vanity and Ambition to prevent their Ruin; the whole Tenor of his most Christian Majesty's Reign being an unanswerable Demonstration that the Tendernefs and Regard he has for the Ease and Happiness of his People is very small. However, thanks be to God we have a greater Pledg for our Safety than the known Justice and Moderation of that Prince.

France un-
able to con-
tinue her
Efforts.

France is visibly unable much longer to continue her present Efforts: Her Foreign Expences and the *Italian* War have exhausted her of her Treasure to a Degree not to be imagin'd, were not the Effects evident beyond Contradiction.

'Twas in Spring last that the Treasurers General of the War broke for about 800000 l. Sterling; and whether this was done by Collusion with their King, that he might seize so much ready Money, or whether it was that he was not able to pay his Treasurers punctually, that they might be inabl'd to answer their Credit; take it either way, it was a certain Fore-runner of that Misery and Poverty which has since appear'd in that Nation. The Credit of *France* was so low abroad, that the Bankers of *Turin* refus'd to accept the Bills that were drawn upon them by the Bankers of *Lions* by order of the *French* King. And notwithstanding the Duke of *Savoy* had those Bills, with positive Assurances from the *French* Ministers that the Money was ready, yet his Royal Highness would not suffer his Troops to stir, till he had actually receiv'd the Money. All Credit publick and private in *France*, is destroy'd; and it is undeniably true that the *French* King is forc'd to pay 15 per cent. Interest for all the Money he borrows now, whereas at *Christmas* last he had it for 5 or 6.

The Causes
of the want
of Money in
France.

His most Christian Majesty, to prevent the Ruin that he saw coming so fast upon his Country, and consequently upon himself, consulted with the most intelligent of his Merchants what were the Causes of this great Want of Money, and what Measures were to be taken to prevent its ill Effects? They declar'd the Causes of it to be the vast Sums of Money that were carry'd out of *France* in *Specie*, and the Apprehensions People were in of a new War. And as for a Remedy, there was none other but a Peace. But a Peace, even at that time, could not be had, but by giving the *Dutch* a Barrier, nor without giving the Emperor an Equivalent for what he was to have had by the Treaty of Partition. But *France* was then in Possession of the whole immediately by his own Arms in *Flanders* and *Milan*, and by his Vice-King, his Grandson, in the rest of that Monarchy; and without doubt he thought himself secure in the Possession of the whole, if he could baffle the Emperor's Arms in *Italy*, especially when we consider that the League with *Portugal*, while it continu'd, secures *Spain* against any Attack that way.

* Essay on the Interest of England, pag. 39, 40.

But God Almighty has hitherto visibly justify'd the Cause of the House of Austria, and in that (for they are inseparable) the Cause of the common Liberty of Europe: He has blessed the Emperor's Arms with a continu'd Chain of Success, from the Hour they enter'd into Italy to this day.

Camar, either for his Mismanagement or Misfortunes, has been disgrac'd, and *Villory's* Success at *Chiari* shews that he's not likely to repair what he found amiss. Thus the Emperor has begun the War in Italy with Reputation, and, which is the great Point, will be able to secure Winter-Quarters there this Winter. And *France*, under her present Misery, must unavoidably redouble her Efforts and Expences in Italy to carry on the War next Campaign, that if it be possible she may beat the *German's* out of it: Already she is ordering her *Gens d'Arms* thither, and without doubt more Troops will be sent the same way.

Every one knows how expensive an Italian War is to *France*, both in Men and Treasure: Her Alliances there are purchas'd at a dear Price; and we know experimentally, that they are no longer to be kept than they are punctually paid. All the Money sent there is for ever lost to *France*, yet this is an Expence necessary to be made. Their Sales of Offices, and their boasted Capitation, with all their other Funds, are found insufficient. If Money is to be borrow'd, their King must pay 15 per cent. and yet all will not do. The last and only Refuge in this Case is, the recoinning the Money, and raising its Standard; this will probably put him in possession of Money for the next Year's Expence, and make up the Deficiencies of his other Taxes: But this, which may be one Year's Relief for the Exchequer, will finish the Ruin of that Nation, by destroying Credit, Trade, and bringing an universal Disorder upon Business; but above all, by making his most Christian Majesty Master of the Money of *France*, who must necessarily send a great Proportion of it abroad. And as it is the sending so much of their Money abroad, which since a little before the Death of the King of *Spain* (less than 18 Months time) has brought the present Misery and Poverty upon *France*, can any doubt, but that if he be oblig'd to continue and increase those foreign Expences for two Campaigns more, his Kingdom must be reduc'd to such a degree of Power, as may be consistent with the general Safety of Europe?

Italian War
is a guile
to France.

This, according to the best of my Knowledge, is a plain and impartial Account of the present Condition and Misery of *France*, as it relates to their Ability or Disability to carry on their present great Designs by the Power of their Arms; in which there are some things very remarkable: 1. That since *Christmas* last the Interest of Money is rais'd upon his most Christian Majesty from six to fifteen per cent. 2. That all Credit, both publick and private, is ruin'd in *France*; the necessary Consequence of which is, that their Trade and Commerce must be under the greatest Decay and Disorder. 3. That all his other Funds and Arts of Raising Money failing, he is forc'd to have recourse to that desperate Method of recoinning his Money, and raising its Value, which before that was much too high. This shift, tho it will supply him with ready Money to answer his pressing Necessities, yet it will have very fatal Effects upon the Commerce and general Business of that Nation, and enable their King to send out a large Proportion of the little Money that is still left in *France*. 4. The Success of the Emperor's Army in Italy will oblige *France* greatly to increase her Armies and Expence on that side. 5. The Success of the Emperor, and the Reputation of his Alliance with *England* and *Holland*, &c. will raise his Credit in the Empire, encourage his Friends, and facilitate his Negotiations there. On the contrary, it will put a difficulty upon the Negotiations of *France* in *Germany*, and render them both more uncertain and expensive. 6. *France* is become Bankrupt in the first Campaign of a War, which is yet only commenc'd in Italy; let us then consider seriously how she can possibly, for any considerable time, bear up under a much greater War there, and that spun out in length, if we by engaging in hearty and vigorous Measures with the Emperor and *Dutch*, &c. make the War general, which is both our Safety, and in our Power.

Why France
is unable to
carry on the
War.

If then by plain Deductions from Matters of Fact evidently true, it be as demonstrable as any thing in Politicks, That if the War in Italy be supported, and if besides we engage him in a general War by Sea and Land, which is in our Power; we may, in conjunction with our Allies, force him to disgorge his late unjust Acquisitions: 'tis evident we may reduce him to what further degrees of Moderation we shall think consistent with our own and the common Safety. Nor is it to be doubted but the Success of the Imperial Arms in Italy, the great Alliance form'd against *France*, and the crying Misery of his own State, have e'er this sufficiently open'd the

Italian War
the only
way to re-
duce Fra.

the Eyes of his most Christian Majesty: A Prince of his Penetration cannot but foresee that Confusion and Ruin that is so irresistibly coming upon his Kingdom: He must be sensible, that unless he can prevent a general War, it is morally certain that he must not only lose those great Advantages he might have enjoy'd by the Treaty of Partition, but likewise those prodigious Sums which the violation of that Treaty and his Grandson's Usurpations have cost him.

A Treaty
the only
means to
prevent the
War.

'Tis then most certain that a Treaty is the only way to prevent a War, which will probably prove so fatal to the vast Designs of his most Christian Majesty, and so ruinous to *France*. A Treaty is the only thing that can secure him a Compensation for what he was to have had by the Treaty of Partition, and for the great Expence he has been at in supporting his Grandson. And a Treaty is the only Method left to settle the Duke of *Anjou* in the *Spanish* Throne. In short, nothing but a Treaty can leave *France* still in a condition to prosecute her darling Design of obtaining the Universal Empire.

He must flatter himself extremely, that not only considers *France* at present in possession of the *Spanish* Monarchy, but likewise how great a Proportion of it (besides the Dutchy of *Lorain*) was to have come to that Crown in propriety by the Treaty of Partition, had it taken effect: I say, any one must flatter himself extremely that considers this, if he can be of opinion that should *France* effect a Treaty this Winter, she will not be able to secure an Equivalent to her self for what she was to have had by the Treaty of Partition, and for quitting her Pretensions and Possession of the rest of that Monarchy.

Such a Treaty, if it could be effected, as it would be the greatest Master-piece of *French* Management that we ever had an Example of, so there are not Reasons wanting that may induce them to hope to effect it in *England*.

Why the
French
may hope to
effect a
Treaty with
England.

For tho such a Treaty must be very destructive to the Reputation and Glory of the King, and to that high Character of Wisdom which he has so justly acquir'd and maintain'd; and tho in Fact it appears from the wise, steady and magnanimous Carriage of the *Dutch*, and by their breaking off their Negotiations with *D^r A-vaux* (all which Steps we are chiefly to attribute to the Sentiments of the King) I say, tho it appears by all the Steps the *Dutch* have taken, that such a Treaty is against the Opinion of his Majesty: Yet since the King has graciously condescended to tell his People that he will take their Advice in his Conduct in relation to the *Spanish* Succession, which accordingly he has hitherto done; may not the *French* King hope that the Divisions and Parties are grown to such a Height among us, that it may be impossible for the Nation to unite in advising and assisting his Majesty, as the present Necessity of Affairs requires? Does he not know, that things are come to that height between the two Houses of Parliament, that nothing but the greatest Prudence in the King, and the greatest Moderation and Condescension among themselves can reconcile them? May he not hope that for very different Reasons there may be found some of both Parties who may endeavour to make a Reconciliation impossible, viz. some of one Party, that they may not be call'd to an account; and some of another Party, that we may not be able to unite in Measures against a Prince, whom they look upon as the only Support of the Right Line?

His most Christian Majesty knows whether he had any Creatures and Pensioners in King *Charles* and King *James's* Courts; and if he had, whether any of those are still in being, or any new ones made. If this should be the case, and any of them be Men of Credit and Authority, 'tis not to be doubted but they will use all their Industry to widen our Divisions, that our Allies may not be able to depend upon us; and then a Treaty would come of course.

Besides, the *French* King must be suppos'd to be well acquainted with the History of his own Family, and particularly of the Holy League: There he will see how far Revenge, and the Animosity of Parties, are able to carry Persons of the greatest Fortunes against the Interest of their Country: There he will find that the Men of the noblest Families in *France* carry'd their Revenge against *H. 3.* and *H. 4.* and their Friends so far, as to bring *France* within one Ace of falling under the Domination of *Spain*.

Promoting
Animosities
one way to
reduce us to
the Domination
of
France.

May not the *French* King, who in his own Family has had so great an Instance of the implacable Animosities of Parties, hope that the same Spirit may carry others so far here, as to forsake the Interest of their Country, and make a new Treaty with him; especially if they believe that that is the best way to secure their own Power, and destroy their Enemies? May not his most Christian Majesty

It may be told, that many among us will say, that we dare not trust those with the Management of a War, who all along oppos'd every Step that tended towards one? May it not be insinuated to him, that there will not be wanting those who will be jealous of an Administration in their hands, who have hitherto constantly oppos'd the Settlement of the present Government? And that others may be jealous that the Champions of the Right Line will prove but indifferent Guardians of our Bill of Succession? May he not persuade himself that People would be willingly convinc'd how such Men came of a sudden to forsake their old Principles, or whether in truth they have forsaken them? May not his so solemnly breaking the Treaty of *Reswick* with us, in owning the Title of the late King's Son, increase these suspicions, and make People apprehend that that Prince's Party must be much more considerable in *England* than is generally suppos'd? Since to preserve Measures with them, his most Christian Majesty has so publicly affronted our King, who is so great both by his Alliances abroad, and in the intire Love and Confidence of his People at home. May not the *French* King be told, that the People of *England* will be desirous to see an Account of the Money spent in the last War, before they will engage in a new one? And may he not believe that others will oppose a War, if manag'd by those who have rais'd so great Estates out of small Employments during the late War?

It is not to be question'd but the *French* King is well inform'd of the Parties and Divisions that tear us in pieces, and of their several Dispositions in relation to one another. He is too well acquainted with the Advantages he has always reap'd by the Divisions of his Neighbours, not to make use of ours at this time to serve his own Purposes. *England* is at this day the great Barrier between him and his vast Designs; nor can he forget his own Interest so far, as not to use his utmost Efforts to increase our Jealousies and Divisions this Winter to such a height, as may at least hinder us from uniting with our Allies in opposing him: And in such a Case, which God prevent, will not the King be forc'd to act the part of a Mediator, instead of appearing the Glorious Assertor of the Liberties of Europe?

France sensible of the Divisions among us.

Notwithstanding these Reasons, which may seem to flatter the *French* Hopes with the possibility of setting a Treaty on foot by our means this Winter, 'tis to be expected that the great Wisdom of the King, and that Unanimity which has appear'd, both in the Parliament and in the several Counties of *England*, to support him in his Designs and Government, may fix him in such a degree of Elevation, as may let both Parties see they have no way left to secure their own Reputations of being those Patriots they each pretend to be, but by concurring heartily, in their several Stations, in giving and supporting such Advice as may turn the Duke of *Anjou* out of his usurped Dominions, and may reduce *France* to such a Ballance with her Neighbours, as may make her leave off the thoughts of Universal Empire. And as this is not to be effected but by a vigorous War, so nothing less can answer the Designs of the last Sessions of Parliament, whose Intentions were to procure Safety, and a Ballance to Europe. The united Wisdom of the Nation condemn'd the Treaty of Partition; The House of Lords, because they look'd upon it as the Cause of the Will, and that it was contrary to the Pretence of the Treaty it self, which was to prevent any Umbrage that might be taken by uniting too many States and Dominions under one Head. The House of Commons condemn'd it, because it so directly tended to increase the Power and Greatness of *France*, by delivering up to the *French* King such large Territories of the King of Spain's Dominions, and to the Destruction of the Trade of this Kingdom.

Union at home the best way to prevent his Designs.

No one can consider his most Christian Majesty and his Grandson in the intire Possession of the *Spanish* Monarchy, that can believe an Accommodation is to be made on better Terms than *Spain* and the *West-Indies* for the Duke of *Anjou*; an Equivalent to *France* for what she was to have had by the Treaty of Partition, which must be either *Naples* and *Sicily*, or in lieu of them *Milan* and *Flanders*: But there being so many great and powerful Princes and States immediately concerned in the preservation of *Flanders* and *Milan*, it is more probable she would again get *Naples* and *Sicily*.

No Accommodation with France but is destructive to Europe.

Whoever considers of what great Consequence *Milan* and *Flanders* are to the Designs of *France*, will find that they are more valuable to her than the rest of the *Spanish* Monarchy, and that they would easily and infallibly bring that Monarch to the Possession of that Universal Empire he has so long aim'd at.

Milan of
great Im-
portance to
him.

For by the means of *Milan*, the several Ports and Garisons which the *Spaniards* possess on the Coasts of *Tuscany*, the *French King* would be secure of the Conquest of *Italy*, or of as much of it as he pleas'd, whenever he should think it proper for him to attempt that Conquest: 'Tis evident there is no Force or Power on that side that could or durst oppose him.

Besides, *Milan* would open a way to *France* to attack the Emperor's Hereditary Countries by *Trent* and *Tirol*, and would expose all *Germany* behind the *Danube* to be insulted by her Arms: For there lies nothing between *Milan* and that part of *Germany*, but part of the *Venetian Territories*; and we see plainly by this War, they are not in a condition to stop a Royal Army.

As also
Flanders.

The Consequences of *Flanders* to *France* are very well known, viz. it would infallibly force the *Dutch* to throw themselves into the Protection of *France*, because the Charge of defending themselves in time of Peace against her numerous Armies would be insupportable to so small a State; nor could it agree with the Genius of so rich and trading a Country to be the Seat of War, whenever *France* would think fit to invade them.

By their throwing themselves into the Protection of *France*, their Fleets and Harbours would be at her disposal: And how fatal and ruinous such a Conjunction of Maritime Power must be to our Trade and Shipping, nay to our very Safety and Being, is so obvious, that I shall not think it worth while to insist upon it. Besides, *Flanders* in the hands of *France*, would fix her Yoke about the Necks of the Electors of *Treves*, *Cologne*, the Duke of *Newburgh*, the Bishop of *Munster*; nor could his *Prussian Majesty* defend *Neves* and *Mark* three weeks. *Oldenburg*, *Osnabrug*, *Minden*, *Lippe*, *Paderborn*, *Hesse*, *Westphalia*; in short, all that noble Country that lies between the *Rhine* and the *Weser*, must receive the Laws of *France*.

Flanders,
if in his
Power, a
Means to
obtain the
Universal
Empire.

Thus I think it is very plain, that *Flanders* and *Milan* (nay *Flanders* alone) would put it absolutely in the Power of *France* to obtain the Universal Empire. The Reason I insist so much upon this, is, to shew that if *France* can be brought by a Treaty to give up *Flanders* and *Milan* to the Emperor in lieu of his Pretensions, it is a greater Point gain'd than we can reasonably expect by way of Treaty (if his most Christian Majesty can so far blind us, as to enter into a Treaty with him) especially if we consider the great Strength of *Flanders*, and how difficult it will be to wrest it out of his hands by main Force.

Our Italian
Trade, &c.
much en-
danger'd by
the Parti-
tion Treaty.

Tho' the Treaty of Partition gave us but a very melancholy Prospect of our *Italian* and *Turkey* Trades, which would have been liable to great disturbance in time of such a Peace as we must then have expected from *France*; and in time of War must intirely have been laid aside, because of the great Advantages *France* would have had over us by his Harbours in *Naples* and *Sicily*, and those of *Final*, *Portolongone*, and *Piombino*, &c. on the Coast of *Tuscany* and the adjacent Coasts: Yet it is clear, beyond the necessity of being explain'd, that if *Naples* and *Sicily* be put into the Hands of *France*, and *Spain* suffer'd to continue in the hands of his Grandson, who, strictly speaking, can be no other than a Vicegerent to *France*. I say, whoever considers this, will find it very evident, that whenever *France* shall think fit to put it in execution, we must infallibly lose all our Trade to *Spain* and the *Straits*, which includes our Trades to *Italy*, *Turkey*, the *Venetian Territories*, and *Barbary* within the *Straits*. Besides, that *France* by monopolizing the *Spanish Wool*, will ingross the Trade for fine Cloth, and beat us out of that profitable Manufacture.

And here I would have it observ'd that I have taken no notice of the great Addition of Power which the Possession of those large and fruitful Countries would bring to *France*, nor of the means they would give her to conquer the rest of *Italy*, *Naples* and *Sicily*, in extent being about one third of *Italy*, and they are Masters of a very considerable Maritime Power.

I will not here insist, that there is no difference between *Spain's* being in the hands of *France* and in the hands of his Grandson, because I shall have occasion to speak of that more particularly in explaining another Treaty. But if that be the Case, as I shall plainly prove, then I am sure such a Treaty would be a thousand times worse than the Partition Treaty, therefore never can be approv'd by those who condemn'd that, or who love the Safety of their Country.

But there is a Treaty of another nature not less fatal in its Consequences, but much more dangerous in this respect, that it covers the Hook under a most specious and deceitful Bait, and therefore is more likely to impose upon us and others.

Suppos

Suppose *France* should either this Winter, to prevent a general War, or afterwards to get out of it, offer to part with *Milan* and a Barrier in *Flanders*: That the entire Residue of the *Spanish* Succession should go to his Grandson, with this Proviso, that upon no Pretence whatever the Crown of *Spain* could be united to the Crown of *France*, and that failing such Heirs of the Dauphin as were not Kings of *France*, there should be Limitations over to such of the Emperor's Heirs, as were not Emperors, or in possession of the Hereditary Countrys of that Family: That *France* in this Treaty should stipulate no particular Advantages for her self, and should withdraw all her Troops out of the *Spanish* Dominions, and oblige her self to send no more thither: And that the Trade between *France* and *Spain* on one side, and *England* and *Holland* on the other, should be fairly and equally regulated: And that all Princes and States should be invited to be Guarantees of this Treaty. Supposing all this, I will endeavour to shew the Weakness and Deceitfulness of such a Treaty, and that it will be no Security to Us or the rest of *Europe*, but on the contrary very fatal to us all.

Another Treaty of Partition fatal to us, &c.

For we are to make no difference between what such a Treaty shall leave in the possession of *France*, or in the possession of the Duke of *Anjou*, but must look upon all that shall be left in the possession of the Duke of *Anjou*, to be bona fide in the possession of *France*: and to prove this Assertion, I will offer some very plain Reasons.

D. of Anjou holding Spain, it will be under the Fr. Power.

First, The Duke of *Burgundy* has no Child, nor has he hitherto given the World hopes that he will have any, for we have never yet heard of any Miscarriage, nor of any Symptoms of his Dutche's Breeding. If the Duke of *Burgundy* have no Children, every one knows that the Duke of *Anjou* must succeed to the Crown of *France*. There are two things very observable in this: The first is, that till the Duke of *Burgundy* have Children, it is visibly the Duke of *Anjou's* Interest to be a French Man and not a true Spaniard: For if he should not govern *Spain* by the Maxims and Directions of *France*, he would have all the reason imaginable to expect to be excluded from the *French* Succession, which is vastly preferable to the *Spanish* Crown; and it would prove far more easy for a Will in this Case to exclude him the *French* Crown, than it was for one to bring him to that of *Spain*.

The next thing observable is, That in view of that Succession it is visibly his Interest to give *France* all the Advantages over *Spain*, and all other Nations, that possibly he can; and by degrees, and as fit Opportunities serve, to put the Keys of the *Spanish* Monarchy into the Power of *France*: For if the Duke of *Anjou* should act otherwise, and endeavour to raise the Power and Reputation of the *Spanish* Monarchy by such Maxims as a good Spaniard would naturally take, and should refuse to give *France* those Advantages over her and other Nations; in this Case it would happen, that when the D. of *Anjou* should be call'd to the *French* Succession, *Spain* would be able to make some Effort to throw off the Domination of *France*: And then there is no doubt but all *Europe* would arm to relieve and support her in such a Design; all its Kingdoms and States being so highly concern'd to hinder the Union of those Crowns. And none can doubt, but as nothing can be more the Interest of the Duke of *Anjou*, than to unite those two Monarchies in himself or his Posterity; so it is as little to be question'd, that whenever such a Peace shall give him an opportunity, he will, in concert with his Grandfather and Father, enter into all such Measures as may make that Union unavoidable.

His Interest is to give all Advantages to France.

Nor does *Spain* want easy and visible Means of giving *France* all imaginable Advantages over the rest of *Europe* in point of Trade; and that by such Methods as can give us no sufficient ground of War against her, much leis could a powerful Confederacy be arm'd in such a Cause. For instance, *Spain* might give to *France*, exclusive of all other Nations, the *Negro* Trade to her *West-Indies*; and under colour of that Trade *France* might be allow'd to carry her Manufactures immediately to the *Spanish* Indies, and this not openly and avowedly, but by private Orders and Instructions to her Governors and Officers there.

Spain may give France all Advantages in Trade over the rest of Europe.

Nor is this a bare Suspicion of what may be done; for every Merchant knows that *Spain* has already made large and avowed Steps towards giving *France* the *Negro* and *West-India* Trade: A Company being to be set up of both Nations under a joint Stock to carry on those Trades; and his most Christian Majesty has stipulated a considerable Proportion of this Trade for himself. Besides, *Spain* might give *France* the Monopoly of her Wool, and consequently of the Manufacture of fine Cloth.

France and Spain join together for the Negro and West-India Trade.

England
& Holland
not able to
resent it.

And here we are to consider, that these Infractions of the Treaty are of such a nature, as would not cost *France* or *Spain* either Time, Trouble, or Expence. Where-as if *England* and *Holland* had a mind to resent them, they could never expect to bring those two powerful Nations to Reason by their own proper Force; and no other Nation in *Europe* would think it self concern'd in the Quarrel. We know and feel how difficult it is to ingage *Europe* in a general War against *France* upon much greater Motives.

The Span-
ish Trade
will greatly
increase the
French
Shipping.

There needs no great matter of reasoning to foresee how greatly all this would increase the Trade, Shipping and Wealth of *France*: How soon it would relieve her present Misery, and put her in a condition more flourishing than all her Neighbours.

And how at the same time it would sink Ours and the *Dutch* Trade, Shipping and Manufactures, and bring us to a low degree of Poverty and Impuissance.

Thus then when *France* by a Treaty shall have broke and disarm'd the Confederacy now form'd against her; and when by these Concessions from *Spain* she shall have establish'd her Manufactures and Trade, and overcome the Difficulties of her present Poverty, then it will be time for her to begin to fasten her Chains about the *Spanish* Monarchy. If the Duke of *Anjou* shall be willing to put the Province of *Guipuscoa*, and the Town of *Gibraltar*, into the hands of his Grandfather, to be Security for his repaying part of that vast Debt he owes him for setting him upon the Throne of *Spain*, and maintaining him in it; must not every one allow that this will be but a pious and just Return for his Grandfather's great Kindness and Generosity?

France by
possessing of
Gibraltar
may com-
mand the
Straits
Trade.

And whoever will consider, that if *France* were put in possession of *Guipuscoa* and *Gibraltar*, she would by means of the former be able to carry her Arms into the very Heart of *Spain*, and by the latter command in general the Trade of the Straits, and particularly all the Trade of *Spain* between *Portugal* and *Catalonia*, which she could interrupt or destroy at pleasure, will find that in such Circumstances *Spain* could give the Duke of *Anjou* no opposition in uniting those Crowns. Nor could the Guarantees of this Noble Treaty; for Measures could easily be so concerted between the two Crowns of *France* and *Spain*, that *France* might be put into possession of the Country of *Guipuscoa* and *Gibraltar*, before any of the Guarantees could in the least suspect such a thing were intended, much more before any Measures could be concerted to prevent it. And of this I think I need no other Proof than the late secret and surprizing Possession of all the strong Garisons of *Flanders*, which the *French* seiz'd in one Day; and this under the Noses of *Holland* and *England*, and at a time when those Towns were garison'd with *Dutch* Troops. Besides the Time and Trouble that it would cost to set a Confederacy on foot to retrieve such a Misfortune, and to force *Spain*, contrary to the Designs of her Governors, to pursue her true Interest, I can't see that it would by any means be possible to effect it.

Empire not
concern'd
in the
French's
possession of
Gibraltar,
&c.

As for the Body of the Empire, they would no more look upon themselves to be concern'd in the seizing *Gibraltar* and *Guipuscoa*, than in the Transactions between the *Tartars* and the *Muscovites*. This appears by the great Coldness the Empire shows in ingaging in the Emperor's Quarrel on this present Occasion, tho their Safety is evidently concern'd in the Issue of the *Spanish* Succession; tho it be highly their Interest to remove the *French* out of *Flanders*, and greatly for their Honour to recover *Milan*, which is a Fief of the Empire. And if any of the Princes of the Empire are come into this present Alliance, it is plainly upon other Motives. The House of *Hanover* is strictly engag'd to follow the Fortunes of *England*. The King of *Prussia* is engag'd upon the account of his new Dignity. The House of *Newburg* is personally concern'd in those great Indignities that have been put upon his Daughter the Queen Dowager of *Spain*. Besides, the House of *Orleans* has great Pretensions upon the *Palatinate*, and the Prince of *Newburg* may hope to get them well compounded, by the Success of a prosperous War. Add to all this, the near Affinity and Alliance that is between this Prince and the Emperor.

Tho *Italy* be highly concern'd to keep the *French* out of her Country, yet there is not any *Italian* Prince or State that has made any Movement towards it. And *Savoy* and *Mantua* have declar'd for *France*.

H. of Au-
stria not
immedi-
ately con-
cern'd in it.

Besides, the Rights of the House of *Austria* could hardly be said to be immediately concern'd in this Action, no more than they formerly look'd upon themselves to be when the King of *Spain* mortgaged *Maestricht* and *Namure* to the *Dutch*, nor so much. For in the Case of the Mortgages of *Maestricht* and *Namure* there

there was but one sickly Life between the Emperor and the *Spanish Succession*: But by this Treaty there would be the Dauphin's three Sons, with the Issue they may have. So that from all this I conclude, that the putting *Guipuscoa* and *Gibraltar* into the hands of *France*, would be look'd upon to be only a private Transaction between the Crowns of *France* and *Spain*. *England* and *Holland*, who would be most concern'd, would find too late that they were the Bubbles of a deceitful Treaty, but had no Power to right themselves. Thus the Guarantship of this Treaty would, like that of most others, prove an empty Name without effect. And it would at length turn to the eternal Reproach and Dishonour of those that were deceiv'd into it, as it would to their Ruin.

But as the seizing *Guipuscoa* and *Gibraltar* would secure the Union of the two Kingdoms of *France* and *Spain*, so something must be done, in pursuance of the same Design, to secure *Naples* and *Sicily*: And this would easily be effected, by putting *Sicily* in way of Mortgage for that great Expence *France* has been at in placing and defending the Duke of *Anjou* on the Throne of *Spain*, into the hands of *France*. In this case we should have less Remedy, if possible, than the former: For *Sicily* being an Island, has no Communication with any other Country: The *French* Fleets have no Rivals in the Straits: *France* and *Spain* could, without aggravating the Matter, support this Infraction of the Treaty with a Fleet of eighty Men of War in the Line of Battel; and I believe there are no Ministers that would be hardy enough to advise *England* and *Holland* to send a Fleet of 100 Men of War to recover that Island, especially if we consider that *Sicily* is above 800 Leagues distant from *England*; that all the Coast between *England* and *Sicily* is an Enemy's Country, and that *Sicily* it self must be so.

Does not the proposing such a piece of Knight-Errantry look ridiculous? Does not the Execution of it be subject to a thousand unforeseen Misfortunes, and be next to impossible to be effected without some great Disaster? A Storm would either shipwrack or disperse us upon an Enemies Coast, and either must ruin our Fleet. But if we come to *Sicily*, what would be done without a Land Army? And from whence must that come?

As the possession of *Guipuscoa* and *Gibraltar* would secure the Kingdom of *Spain* to *France*; so the possession of *Sicily* would secure *Naples*: For *Naples* being surrounded by the Sea on all sides, but where it borders upon the Dominions of the Pope; and *France* being absolute Mistress of those Seas, and of *Sicily*, which is separated from *Naples* only by a narrow Strait of two or three Miles over; it is plain, that the Fortune of *Naples* would be irretrievable, and that it must submit to the Yoke of *France*, as well as *Spain*, of which it is but a Province.

Another Reason why we are to look upon the Duke of *Anjou's* Possession to be the Possession of *France*, is, because tho the *French* King has suffer'd his Grandson to take possession of the *Spanish* Monarchy, by virtue of the Will of the late King of *Spain*; yet he has never allow'd the Validity of the Renunciation made by his late Queen, the Lady *Maria Teresa*, at the *Pyrenean* Treaty. But at this day, tho he has sent the Duke of *Anjou* into *Spain*, yet he maintains, as high as ever, the Rights of the Dauphin and the Duke of *Burgundy*, and the Nullity of the Renunciation. Neither the Dauphin, nor the Duke of *Burgundy*, have made any publick and authentick Act since the Acceptation of the Will, whereby they have declar'd, that that Will has destroy'd their prior Right, and cut off their Pretensions to the *Spanish* Succession; nor have they by any publick Act resign'd the Right that was in them in favour of the Duke of *Anjou*. All that ever I could learn was done upon this Occasion was, that the Dauphin said publicly, he would be satisfy'd with the Glory of saying, *The King my Father, and the King my Son*. What therefore has been done in favour of the Duke of *Anjou* in this Point, is only a Suspension, or not insisting upon their Rights at this time. But the *French* King has actually put in their Claims in that very Memorial, wherein he tells the States of *Holland*, by his Ambassador the Count de Briord, That his Master had thought fit to reject the Partition, and adhere to the Will. Tho the Reasons he gave were not seemly in the Mouth of a most Christian King, and the Eldest Son of the Church; yet they perfectly square with the known Justice and Moderation of Lewis XIV. and with that severe Reverence he has, during the whole Course of his Reign, paid to his most solemn Treaties. But to leave this Digression.

It is plain, that his most Christian Majesty has taken great care, ever since his acceptance of the Will, to preserve the Dauphin's and Duke of *Burgundy's* Rights to the *Spanish* Crown, intire, and without diminution: And that the Duke of *Anjou* has intire.

has no Right against his Father and eldest Brother, but only that of Possession. And no *Frenchman* can deny this, that considers the new way of reasoning taken up in *France* since the *Pyrenean Treaty*: for say they, the Contract of Marriage between *Lewis XIV.* and the Lady *Maria Teresa*, of which the Renunciation was a part (which Renunciation was the principal and most worthy part of the *Pyrenean Treaty*) I say, this Renunciation was sworn to by the present *French King* and *Philip IV.* in the presence of the *Grandeess* of both Kingdoms. They gave it the Force of a *Law* and a *Pragmatick Sanction* in both Kingdoms. By virtue of their Prerogatives, as Sovereigns, they supply'd all Defects. His Catholick Majesty repeal'd all Laws or Customs in his respective Kingdoms and Territories that might repugn it. He oblig'd himself to enregister the Renunciation in the Council of State. And his most Christian Majesty articul'd for himself and his future Queen, that after Marriage they will make another Act of Renunciation, to be registred in the Parliament of *Paris*; but that if his most Christian Majesty should fail in this, yet that by the very Publication of the Peace in the Kingdom of *France* it shall be held as duly made and authoriz'd, and as pass'd and registred in the Parliament of *Paris*. The Infanta *Maria Teresa* being of full Age, without any Fear or Compulsion, but voluntarily, and perfectly instructed in what she was doing, signed the Act of Renunciation before Marriage. It was declar'd in the Act of Renunciation, that without the Renunciation there could be no Marriage, nor without the Marriage any Peace, nor an end put to those Miseries which had torn those two Crowns in pieces for twenty five Years, in which War most of the Princes of *Europe* were engag'd on one side or other. These were weighty Reasons; upon which the Marriage and Renunciation were founded, as likewise to prevent the Union of the two Crowns, which must have been fatal to *Europe*, and to establish an Equality in their Marriages: Which Equality consists chiefly in this, That *Spain* might enjoy the same Advantages by this Renunciation of excluding the Female Issue from their Succession, that *France* pretends by her *Salique Law*.

A Renunciation of the Infanta takes away the Dauphin's Right.

Now it is impossible for any *Frenchman* to say, that a Renunciation so solemnly made, and upon the highest and most favour'd Motives that can be a Foundation to any Act, could have no Power to take away the Right of the Dauphin, and at the same time affirm that the Will of the late King of *Spain* could take away the Right of the Dauphin in favour of the Duke of *Anjou*. According to the *French* way of arguing, it could not have effected it, tho there had been nothing to be objected against the Will in point of Form: Tho his late Catholick Majesty had been perfectly in health, and in his Senses, when he made it: Tho he had been under no Terrors, when he sign'd it, of having his Country laid waste by the *French Arms*, or of being denied Absolution by Cardinal *Porto Carero*, or of having the Mob break into his Palace to demand a Son of *France* for their King. Neither the Dauphin, nor Duke of *Burgundy* have made any authentick Act of Concession of their Rights to the Duke of *Anjou*, nor have they by any publick Act own'd that their Rights are destroy'd by the Will. Till this be done, it is plain that the Duke of *Anjou* has only a bare Possession of the *Spanish Throne*, but that the Right continues intire in his Father and elder Brother.

D. of A. must yield to all the Demands of his Grandfather, &c.

If then the Duke of *Anjou* be settl'd upon a Throne, to which he has visibly no other Right but a bare Possession, and the Support of his Grandfather; must he not comply with all the Demands of *France* to preserve his Possession, and to merit that Protection? For if he should act otherwise, would it not be natural for his Grandfather to set up the Title of the Dauphin or Duke of *Burgundy* against him, and turn him out of *Spain*? And we see plainly, that by Terror, Bribes, and Faction, he governs *Spain* as absolutely as *France*: So that we have no reason to question his Power to effect it.

Fr. King asserts the Nullity of the Infanta's Renunciation.

But because I have taken notice that in the very Memorial wherein his most Christian Majesty acquaints the *Dutch*, that he has thought fit to reject the Treaty of Partition and accept the Will, he has asserted the Nullity of the Renunciation made by the Lady *Maria Teresa* his Queen, and the Dauphin's Mother, at her Marriage, and has preserv'd the Dauphin's Right to the *Spanish Succession* intire; and consequently that the Duke of *Anjou* has no Right against his Father and Elder Brother, but a permissive Right and a bare Possession: I will take notice of some of those Passages in that Memorial, wherein these my Assertions plainly appear. Parag. 12. he says, That the Will had been of no use, if the Nullity of the Renunciation had been acknowledg'd as fully during the late Catholick King's Life, as it is declar'd by his Will.

Here

Here then the Nullity of the Renunciation is expressly taken notice of; and what is more, the Renunciation is declar'd to be null by the King of Spain's Will, which calls the Duke of Anjou to the Succession. If the Renunciation be null, then it is no more to be doubted but that the Dauphin, and his Posterity have the only Right to the Crown of Spain. But then it is the Dauphin and Duke of Burgundy that have the Right, and not the Duke of Anjou. Let none object that the Will has taken away their Right, and given it to the Duke of Anjou. I have fully answer'd that Objection already. And now I will show you from this very Memorial, that his most Christian Majesty is of Opinion, that the Will has not destroy'd the Right of the Dauphin. He sets forth, Par. 10. *If any Prince have a Right to oppose the Dispositions of that Will, there needs no more but to read them to be convinc'd that this Right belongs only to the Dauphin; but since he is willing to desist from his Pretensions in favour of his Son, &c.* For the Will fully declares the Nullity of the Renunciation, and the Right of the Dauphin; but tho the Right be in the Dauphin, yet he is willing to desist from his Pretensions in favour of his Son. This is so clear that it needs no further Explanation. Par. 11. He says, *That there was a Design to deprive him (the Lawful Heir) of his Right, and that the Emperor looking upon himself to be sure of the late King's Intentions, flatter'd himself with the Hopes of enjoying the whole Succession.* What then had been the Consequence, if the late King had made a Will in favour of the Arch-Duke? Why! he tells you plainly that in that case *Justice, Honour, the Interest of the Crown, and Paternal Affection equally oblig'd the King to maintain with his Power the Rights of the Dauphin.*

That it is null by the late King of Spain's Will.

Can any thing be more evident than that his most Christian Majesty neither is, nor ever was of Opinion that the late King of Spain had Power to take away the Dauphin's Right by a Will? For if the late King had such a Power, it is plain that Justice and Honour would have oblig'd his most Christian Majesty to have acquiesc'd in it, and not to have maintain'd with his Power the Rights of the Dauphin, which he tells the World very solemnly he would have done. For if the Renunciation was null (as this Memorial, and the late King's Will both tell you it was) then the Right to the Spanish Succession was inherent in the Dauphin, and after him in the Duke of Burgundy and his Issue, if he leave any.

The late King could not take away the Dauphin's Right by his Will,

Now since the French King tells you positively that the late King of Spain could not take away the Dauphin's Right in favour of the Arch-Duke, it is as plain he could not take it away in favour of his second Son the Duke of Anjou. For in point of Right and Justice there is no difference; nor is there any part of the Memorial wherein he insists upon his Grandson's Right as given by the Will. On the contrary he every where sets up the Right of Succession. Par. 6. He says, *The late King (of Spain) has at last done Justice to the true Heirs.* Par. 7. He calls them the *Lawful Heirs.* Par. 11. *The Monarchy is intirely settled upon the Lawful Heirs.* But it is hard to conceive who is intended by those words, *True and Lawful Heirs*; it not being consistent with any Construction of Law or Reason to call the Duke of Anjou so, while his Father and eldest Brother are living: But the true Use of the Will was, that the Spaniards themselves might own the Nullity of the Renunciation, and by the Deference they paid to the Will of their King receive without Opposition a Prince of France.

Neither in favor of the Arch-Duke nor the Duke of A.

To recapitulate the Reasons that oblige us to look on the Possession of the Duke of Anjou as *bona fide* the Possession of France, they are grounded as well on the Necessity the Duke of Anjou lies under to comply with every thing his Grandfather shall demand, as from his own real Interest to comply with him, besides the strictest Ties of Duty and Obligation.

The possession of the Duke of A. the possession of France.

The Necessity appears in this: If he complies not with his Grandfather, he may by virtue of a Will made in France be cut off from the French Succession, which is vastly preferable to the Crown of Spain, and to which he or his Children must succeed, if the Duke of Burgundy have no Children, of which hitherto there is little Appearance.

The necessity of his complying with France.

Nor is this the only Necessity he lies under. For it appears plainly that the Rights of the Dauphin and Duke of Burgundy to the Crown of Spain are preserv'd intire and without Diminution, so that the Duke of Anjou has none other than a permissive or possessory Right, supported with the Power of France. Wherefore if the Duke of Anjou should refuse to comply with his Grandfather, it is still in his Power to set up the Right of the Dauphin or Duke of Burgundy against him, and turn him out of his new Dominions. Nor will this appear very difficult to be done, if we consider that Spain has no Communication with any part of the Conti-

nent but with *France*: That *Spain* is naked and defenceless, and *France* powerfully arm'd: And that *France* can execute this before any Confederacy and Measures could be form'd to prevent it. And we have found to our cost that *France* has a very powerful Party in *Spain*.

point of
attitude
& Obliga-
tion.

Nor can the Duke of *Anjou* refuse to comply with his Grandfather in point of Gratitude and Obligation. Has he not in favour of his Grandson shown that neither 63 Years of Age, nor his false Pretensions to Religion can cure him of his insatiable Ambition, or teach him to observe his Oaths to God, or his Faith with Man? Has he not in favour of his Grandson boldly bid defiance to the God of Justice, who has said, *To me Vengeance belongs*? Has he not done something more in his favour, and what from his constant Want of Faith, Violation of Treaties, and Contempt of Oaths, we must conclude is more terrible to him? to wit, he has arm'd against him the most powerful Nations and States of *Europe*, whom we are to believe *That very God of Justice, whom he has always set at nought, has stirred up against him, as the Ministers of his Vengeance*. He has already exhausted his Kingdom, and impoverish'd his Subjects to a degree not easily to be imagin'd, to maintain his Grandson in his *Spanish* Usurpation: And can he refuse, in Gratitude for so great Piety and Goodness express'd towards him, and to secure to his Grandfather so vast an Expence, to deliver to him the Keys of the *Spanish* Monarchy? For when all is done, *Spain* with *Naples*, and the *West-Indies*, without *Guipuscoa*, *Gibraltar*, and *Sicily*, is a greater Appennage than a second Son of *France* had reason to expect, tho he had no hopes to succeed to the *French* Throne.

his
ing all
the
Fr. King's
hand.

Lastly, It is visibly the Duke of *Anjou*'s Interest to put the Keys of the *Spanish* Monarchy in the Hands of *France*, and to give *France* all the Advantages over *Spain*, and the other Powers of *Europe*, in Trade or otherwise, that he can. For the Duke of *Burgundy* having no Children, by these Methods he will put it out of the Power of *Spain*, and of the other Princes of *Europe*, to hinder the Union of the two Crowns, when he, or his Children shall be call'd to the *French* Succession.

D. of A. not
capable to
binder the
Union of
the two
Crowns.

Thus then we see that this Treaty (which is a better Accommodation than we can reasonably promise our selves without a War, if we consider the present Posture of Affairs) will positively put it into the Power of *France*, to take such Measures with the Duke of *Anjou*, as will secure the Union of the two Crowns; and that it will neither be in the Power, nor Inclination of the Duke of *Anjou* to prevent it. We will next consider whether all the Steps *France* has made, at, and since the *Pyrenean* Treaty to this day, do not manifestly shew that the Union of those Crowns is the Aim at which all her Measures have steddily tended, and consequently that that Union is her great Aim at this time.

Fr. King
always
aim'd at
the Union
of the two
Crowns.

My Purpose being now to shew, that his most Christian Majesty has constantly design'd to unite the two Crowns of *France* and *Spain* in his own Family, since the first time his Actions will give us leave to judg of his Intentions; and that to this day he has steddily pursu'd the same end, and consequently that neither we nor the rest of *Europe* can be safe in any Peace that does not put it absolutely out of his Power to effect it: I will begin with his Conduct at the *Pyrenean* Treaty made in 1659. In order to clear this Point, we are chiefly to consider two things that were then stipulated by *France* with *Spain*.

His Con-
duct at the
Pyrenean
Treaty.

The first was, The Marriage of the present *French* King with the Infanta *Maria Teresa*, with her Renunciation of all the Right, that might accrue to her, of succeeding to that Crown, or any part of it, both for herself and her Posterity in infinitum.

The Second is the Article in the *Pyrenean* Treaty, whereby his most Christian Majesty obliges himself to leave *Portugal* out of this Treaty, and to give her no Assistance. The Words run thus: 'His said Majesty shall meddle no more with the said Affair, and doth promise and oblige himself upon his Honour, and in the Faith and Word of a King, for himself and his Successors, not to give unto the foremention'd Kingdom of *Portugal*, neither in general, or to any Persons of it in particular, of what Dignity, Estate or Condition whatever, neither now nor hereafter, any Aid or Assistance, publick or private, directly or indirectly, of Men, Arms, Ammunition, Victuals, Ships or Mony, under any pretext; nor of any thing else, either by Land or Sea, or in any other manner. And that he would not suffer Levies to be made in any part of his Kingdoms and Estates, nor grant free Passage to those which may come out of other Countries to the Assistance of the said Realm of *Portugal*.

As to the first Article of the Renunciation, we will prove that it never was the Design of his most Christian Majesty to observe it, *even at the time when he was very solemnly swearing the contrary at the Altar.* Cardinal Mazarine, in his Letter to Monsieur Lionne, dated Aug. 1. 1659. says, at the end of the third Paragraph, 'That we could not suffer our selves to be persuaded to lose so many Advantages, which with Justice we might pretend to, without agreeing to the Marriage of the King, with a Princess who might come to be Heiress to so great a Monarchy as that of Spain. At the end of the 5th Paragraph he says, that when Monsieur Pimentel made the Overture of the Marriage, it was without making mention of the Renunciation. In his Letter to Mons. Le Tellier, Aug. 23. wherein he gives an account of his fourth Conference, in the 3d Parag. he sets forth those Reasons, with which he would have persuaded Don Lewis d' Haro to have consented to the Marriage without the Renunciation: But Don Lewis stop'd his Mouth, by telling him the advantageous Offers the Emperor made his Master, if he would agree to marry the Infanta to him; which were, that in favour of that Match he would break with France, and would in all things follow the Conduct of Spain. But that was a Match that would have broke the ambitious Designs of France, and in all other respects have turn'd to her disadvantage; and therefore the Cardinal was forc'd to accept of the Match with the Renunciation.

He never design'd the Observation of the Renunciation.

But we shall visibly discover his Sentiments as to his Majesty's Design of adhering to the Renunciation, in that very Letter. In Parag. 4. he brings in Don Lewis saying, *That he might assure himself that Don Lewis durst not make such a Proposition in Spain* (meaning of the Marriage without the Renunciation) That altho in the Council none ever thought of that Alliance without the Renunciation, yet even in that case there were none of the Council for marrying the Infanta with the King but himself and one more. Because, said he, 'They all maintain'd, and he was of the same opinion, that notwithstanding these Renunciations, if his Master should lose his two Infants, as was much to be apprehended, the eldest not being above Twenty months old, *They might hope, but not expect that France would quit her Hopes to succeed him, and renounce so great Pretensions.* Presently follows the Cardinal's own Reflections upon what Don Lewis said; 'I am, says he, fully persuaded of the Truth of all this, for several very strong and conclusive Reasons: And moreover I remember very well what the Queen (his most Christian Majesty's Mother, who likewise made a Renunciation when she was marry'd to Lewis XIII.) 'often told me, when her Brother (the King of Spain) had but one Son. But, says he in a Rapture, I was well pleas'd to hear the same thing from the Mouth of the first Minister of Spain, and that the whole Council of Spain had the same Sentiments. I think the Cardinal delivers his Mind very freely to the King (for this Letter was written purposely for his perusal) and more freely than he durst have done, if he had known that his Master was resolv'd never to adhere to the Renunciation.

Mazarine's Sentiments on the same.

Mons. Aubery, who was Advocate to the Parliament, and of the King's Council, in his Life of Cardinal Mazarine, which he dedicates to the French King, has this Reflection; Tom. 2. pag. 554. 'The Cardinal acted prudently to sign the Contract of Marriage, without having any regard to the pretended Renunciation, which being manifestly contrary to common Right, and to the Law and general Custom of the State, *might be freely contradicted and disavowed.* Thus then I think I have not only fully prov'd that his most Christian Majesty did not intend to observe this part of the Treaty, even when he was swearing it; but likewise that he's in no pain that the World should believe it; otherwise M. Aubery durst not make this Reflection in a Book which he dedicates to the King. And indeed the Effect of this appear'd very soon: Fortho in the 6th Article of the Contract of Marriage it is stipulated, 'And at the inserting of the same Obligation and Ratification, which her Highness shall give and make of the present Agreement, she shall make such another conjointly with the most Christian King as soon as she shall be marry'd, which shall be enregistred in the Parliament of Paris, &c. Yet neither the first Zeal of a young Prince for Justice and Honour, nor that Reverence which uncorrupted Youth generally bear to a solemn Oath, could prevail with his most Christian Majesty so far to forget his own Character, and Mazarine's Instructions; as to comply with this Article.

And Mons. Aubery's.

While the Pyrenean Treaty was transacting, his Catholick Majesty had two sons; but before the Peace was sign'd, one of them died: So that when the Treaty was concluded, there was but one Infant, under two years of Age, between

tween his most Christian Majesty, and his hopes of succeeding to the *Spanish* Monarchy: And considering that besides the ordinary Accidents that those of his tender Years are expos'd to, *Philip IV.* had a particular reason to be afraid of his Life, because, as *Don Lewis* told the Cardinal, his Catholick Majesty had lost all his Children the same way. *Letter to M. Le Tellier, Octob. 30. 1659.*

In expectation of the Death of this Prince, the *French King*, immediately after the Peace, took all possible Measures to secure that Succession to his Children, notwithstanding the Renunciation.

His Methods to secure the Succession of Spain to his Children.

The visible Methods taken by his most Christian Majesty to effect this, have been, 1st, To reduce that Monarchy to such a degree of Impuissance, that it might not be able to make any Effort towards its own Relief. The next was, to secure to himself those Parts of the Monarchy, even in the Life of his late Catholick Majesty, as were likely to give him the greatest Opposition, either from the Strength of the Places, or the Interest that the neighbouring Princes had in their Protection.

As to the first Method, we shall see how soon his most Christian Majesty began with that, even with the most open violation of the same Treaty that we have an Example of in any Reign but his own. It appears by the 60th Article of the Treaty, that unless his most Christian Majesty had abandon'd *Portugal*, he was under an absolute necessity to break the Peace, and perpetuate the War. I have already given you the Article by which he obliges himself and Successors to give no manner of Aid to *Portugal*; which is so full, that nothing can be added to it, and from which there is no Evasion. It appears in twenty parts of *Mazarine's* Letters, that *Spain* would never have given up those numerous and strong Garisons which she did by the Treaty, nor have abandon'd the Duke of *Lorain*, and the Prince of *Conde*, in all the material Points, had it not been upon the single Consideration that *France* gave up *Portugal*. Let us then examine how *France* behav'd her self in this Point.

How he behav'd himself in respect of Portugal.

It is notorious that presently after the Treaty, *France* privately sent Troops to *Portugal* in several Bodies, and encourag'd their Obstinacy. The Marquess *de la Fuente* the *Spanish* Embassador at *Paris*, complain'd of this Procedure to his most Christian Majesty, who immediately sent Orders to all his Ports not to suffer any Forces to embark for that Kingdom; yet six hundred embark'd at one time at *Diep*, and none were hinder'd in any other part of the Kingdom. Afterwards *Mareschal Turenne* openly levied Men for their Assistance, and Count *Schomberg* was sent to command them. And when the Count *de la Fuente* again represented, that this was a direct Contravention of the Peace, he had no other answer, but that this was a particular Act of *Mareschal Turenne's*, in which the Court had no hand. The *Spaniards* intercepted several Letters between Monsieur *Lionne*, the Archbishop of *Ambrun*, and Count *Schomberg*, which fully prov'd that *Schomberg* kept a constant Correspondence with the Court of *France*, and receiv'd from thence his Directions for carrying on the War. But to crown these unjust Proceedings, when his most Christian Majesty began to lay his Design for the Invasion of the *Spanish Netherlands* in 1667, he openly and avowedly, in defiance of the *Pyrenean Treaty*, made a League Offensive and Defensive with *Portugal*, against all Nations, *England* excepted. But of this hereafter.

*At Juramento quædam est sine nomine Proles
Trunca manus, & trunca pedes; tamen impete magno
Advenit, atq; omnem vastat stirpemq; domumque.*

However, such Reflections seem to give but little Pain to his most Christian Majesty, he is much above them. He certainly gain'd the Point he aim'd at by supporting the *Portuguese*, which was, the breaking the Power of *Spain* so intirely in that War, that she has not been able to make any Effort since; and the very Monarchy must have fallen in pieces e're this, had it not been powerfully supported by its Neighbours.

His Endeavours to secure the Provinces that might give him most trouble.

Having thus broke the Power of the *Spanish* Monarchy, that it might not be in a condition to give his most Christian Majesty any opposition, the next Step towards securing the Succession, and the Union of the two Crowns, was, even in the Life of his late Catholick Majesty, to possess himself of those Provinces which were likely to give him the greatest opposition, either in respect of the Strength of the Places, or from the Interest that the neighbouring Princes were likely to take in their

their Preservation, and the Power they had to oppose him. These Places were visibly *Flanders, Franch County, and Milan*. We know not only the Strength of *Flanders*, but the great Interest that the Empire, *England* and *Holland* have in its Preservation, which they all regard as a Barrier between them and *France*. The Princes of the Upper *Rhine*, but chiefly the *Swiss* Cantons, were to have the same regard for the *Franch County*: And all *Italy* were concern'd to keep the *French* out of *Milan*; besides, it is a Fief of the Empire. These then were the Keys of the *Spanish* Monarchy, and we shall see the great Care his most Christian Majesty took to be Master of them.

We will begin with *Flanders* and *Franch County*.

On the 13th of *August* 1665. the Queen Mother of *France* had a Discourse with the Marquis de la Fuente the *Spanish* Embassador, wherein she told him, that she was sensible of the ill Advice that was given her Son (the present *French* King) to set up Pretensions against the Monarchy of *Spain*; she was sensible of the Desire of Glory which boil'd in his Breast, and of the unquiet Temper of the *French* Nation: She was fearful these things might give Disturbance to a Peace of which she look'd upon her self to be the Authoress; she desir'd him to advertise the King her Brother thereof, that he might make such Reflections as were necessary: That she could wish, since he had given so much for the Peace, that he would yet yield in something to preserve it, and stop the mouths of those that carry'd on the King her Son to violent Resolutions: That for her part, she would inculcate all the Moderation she wish'd in him. Indeed the *French* King's Letter to the Queen Regent of *Spain* says, that in that Conference the Queen Mother told the Marquis, she was fully satisfy'd 'that the Grounds of her Son's Pretensions were just, solid, and undeniable. But let this be as it will, it is not very material.

Q. Mother of France propos'd the yielding 'em to her Son.

The Marquis gave the Court of *Spain* an account of this Discourse: but it coming just at the time that *Philip IV.* fell sick of the Disease of which he died the 17th of *September* following; and there being nothing authentick in this Relation, the Discourse being only a thing of private Familiarity and Confidence, since it did not pass in the Form of an Embassador, or as a Minister from his most Christian Majesty, nor in his Name; during the then Disorder of the Court, there was no immediate Answer return'd. But after the King's Death the Marquis had Orders, that if the Queen Mother should again debate upon that Business, he should inform her fully of the Rights of her Son, and let her know that the Queen being neither Mistress nor Arbitress of those Affairs, she could not of her self dispose of them during the Regency.

To this Answer no new Instance was made, no Proposition, no Complaint; and when the Marquis de Bellefonds was sent to *Madrid* upon his Complement of Condolence, he did not make the least Overture touching his Master's Pretensions. The Archbishop of *Ambrun*, the *French* Embassador at *Madrid*, gave all Assurances of his Master's Intentions to keep the Peace; propos'd entring into Leagues with *Spain*, and Offices of Mediation to compound the Difference with *Portugal*; and reproach'd those as seditious and turbulent, that would call in question his Master's Sincerity. When the Marquis de la Fuente took leave of his most Christian Majesty to return into *Spain*, he charg'd him to engage his Faith and Word to the Queen, that he would keep a constant Amity with her and her Kingdoms; and this without any Restriction or Condition, there being no Complaint made, nor any mention of his Master's Right upon the Dutchy of *Brabant*, &c.

However, by these Methods the *French* King gain'd his Point, which was to lull the *Spaniards* asleep in the Security of so many solemn Promises of Amity and Friendship, that they might neither do the little they could towards their own Defence, nor make Alliances with their Neighbours. So fearful were the *French* of any such Step, that we find by Sir *William Temple's* Letter to the Earl of *Clarendon*, dated from *Brussels*, May 4. 1667. 'that *France* positively declar'd to the *Spaniards*, that if they either sign'd a Treaty with *England*, or made either a Truce or Peace with *Portugal* upon the Mediation of *England*, they would immediately declare War against them.

He lull'd the Spaniards into Security by his fair Promises.

In the mean time *France* omitted no Arts to continue the War between *England* and *Holland*, which many say was begun by her Artifices, as well knowing that nothing but their Union could check her Designs. She form'd Leagues in *Germany*: She spent a great deal of Mony to make a King of *Poland*, who might be in her Interests: She made great Offers to the King of *Sweden*, to induce him to turn his Arms and Hol-

And endeavour'd to continue a War between Eng. and Hol- land.

against *Germany*; and while she seem'd to mediate a Peace between *Spain* and *Portugal*, she enter'd into an offensive League with the latter upon these Terms: That they shall have the same Friends and Enemies, except *England*. That *France* shall furnish them with what Men they need to carry on an offensive War against *Spain* by Sea and Land. That she shall advance to them by way of Loan, half their Pay for their Auxiliary Troops. That she shall lend them every Year 300000 Crowns. That all the Ports they shall take in *Spain*, either upon one or the other Sea, shall be put into the hands of *France*. That they shall treat neither of Peace or Truce without common Consent. That this League shall be for the space of ten Years.

His first Pretensions were only upon Brabant, &c.

Tho *France*, for fear of alarming *Europe* too much, did not then think fit to set up a Title to any more than the Dutchy of *Brabant* with its Appurtenances, the Lordships of *Mecblin*, *Antwerp*, *Uppet Guelderland*, *Namur*, *Limburgh*, the united Places beyond the *Maese*, *Hainault*, *Artois*, *Cambray*, the *Franch County*, and part of *Flanders*; yet it is evident, from the great Alliances she made in *Germany* and the North, from her Arts to continue the War between *England* and *Holland*, and from her Alliance with *Portugal*, that her Design was much deeper laid.

The *French King* having thus abus'd the Credulity of the *Spanish Court*, and prevented their taking necessary Measures for their own Preservation, order'd his Army to rendezvous upon the Frontiers of *Flanders*, under pretence of a general Muster. The 8th of *May* 1667. he wrote to the Queen of *Spain* to let her know, that he was ready to put himself at the head of his Armies, to do himself Right, and sent her at the same time his *Manifesto*. And it is very remarkable, that in his Letter to the Queen he does not pretend there was ever any other Demand of his Rights made, but only in the Discourse between the Queen Mother and the *Marquis de la Fuente*, of which I have already given an account. Her Catholick Majesty gave him an Answer the 21st of the same month, wherein with great Modesty and Reason she set forth the Injustice of his Proceedings: But since his Majesty desir'd an Accommodation, she was willing to conform her self to it, desiring him to name Commissioners, and appoint a Place of Treaty.

But his most Christian Majesty intended no Accommodation, for within eight days after the date of his Letter, he left the Court to put himself at the head of his Army, where he made those surprizing Conquests that alarm'd and amaz'd all *Europe*.

Triple Alliance a stop to his Conquests in Flanders.

In the mean time *England* and *Holland* clapt up a Peace; and notwithstanding the Alliance concluded between *France* and *Portugal*, *England* effected a Peace between *Spain* and *Portugal*; and in 1668. the Triple Alliance was concluded, which stop'd the Arms of *France*, and produc'd the Peace of *Aix le Chappelle*. This Alliance sav'd the Remainder of *Flanders*, and oblig'd *France* to restore *Franch County*, which she had conquer'd during the Course of the War, but first she demolish'd all the strong Places in it. But by this Peace *France* retain'd *Charleroy*, *Binch*, *Aeth*, the Places of *Doway*, *Fort Scarpe*, *Tournay*, *Oudenard*, *Lisse*, *Armentiers*, *Courtray*, *Bergues* and *Furnes*; which Places, with all their Appurtenances and Dependences, were for ever given to *France*. And the Peace with *Portugal* broke her Designs of carrying her Arms into the very Heart of *Spain*, as it is visible she intended from the Articles of her League with *Portugal*, of which I have given an account.

And a Barrier to him.

But the *French King* saw that the Triple Alliance would prove an invincible Barrier between him and his Designs upon *Flanders* and *Franch County*, and that the *Dutch* were likely to concern themselves most in their Preservation, upon which their own depended; therefore he resolv'd to leave nothing unattempted to break that Alliance, and make a bold push either to conquer the *Dutch*, or force them to throw themselves into his Protection, and then it is certain he would meet with but little Difficulty in executing his vast Designs.

Princel'd Ch. II. to break with Holland, and the Triple Alliance.

In order to effect this, the Dutchess of *Orleans* made a Visit to her Brother King *Charles* at *Dover*, *May* 1670. She not only prevail'd with that Prince to disengage himself out of the Triple Alliance, but likewise to concert Measures with *France* to carry on a joint War against *Holland*. This War was begun in 1672. Nor had the *Dutch* any other notice of the Designs of *France*, except the vastness of her Preparations; but Advices from all hands persuading the *Dutch* that those Preparations were intended against them, they wrote a very respectful Letter to the *French King*, *Decemb.* 10. 1671. wherein among other things they profess themselves ready

ready to make all reasonable Satisfaction to him, if in any thing they had fail'd in their Conduct towards him. But in the Answer which they receiv'd to that Letter Jan. 6. 1672. his most Christian Majesty thinks it below him to specify his Causes of Dissatisfaction, or to demand Reparation, and only lets them know in general, that 'He was dissatisfy'd with their Conduct: But tells them, 'that he intends yet to arm more powerfully by Sea and Land; and when he had arm'd to that degree he design'd, he would make that use of them he thought most suitable to his Dignity, and for which he was accountable to none. Here then was a cruel War declar'd, without either demanding Satisfaction for any Injuries his most Christian Majesty might have receiv'd, or accepting the Dutch Offer to give him all reasonable Satisfaction, if he would let them know wherein they had offended him. Wild Beasts and Fishes prey one upon another, but surely God Almighty intended that Justice should direct the Actions of Princes.

Every one knows that this War brought *Holland* within an ace of Ruin; however *England* clapt up a separate Peace with them. *Spain* declar'd in their Defence, and by degrees a great Part of the Empire. Providence favour'd his present Majesty's Arms so far, as to save the *United Provinces*, but their Allies were great Sufferers; particularly *Spain*, while in lieu of *Charleroy*, *Binch*, *Aeth*, *Oudenard*, which were restor'd to *Spain*, and some part of his Conquests which he surrender'd, the *French King* remain'd seiz'd of the *French County*, Towns of *Bezancon*, *Valenciennes*, *Bouchain*, *Conde*, *Cambrai*, with the *Cambresis*, *Aire*, *St. Omer*, *Ipre*, *Warwick*, *Warneton*, *Poperinghen*, *Bailleul*, *Cassel*, *Bavay*, *Maupeuge*, with their Dependences, for ever.

His War with Holland almost ruin'd it.

Thus we see *French County* lost, and but a weak Barrier left in *Flanders*; yet his most Christian Majesty thought it was too much, for he never resolv'd to be satisfi'd with less than the whole.

According then to his Methods of observing Treaties, presently after the Peace he set up Claims to several of the most considerable Places and Posts in *Flanders*; the Titles he set up were those of *Reunion*, *Dependances*, and *Convenience*: but tho his Titles were weak, he back'd them with a powerful Army. He well knew his Neighbours were so much weakned and exhausted by the preceding War, that they would not easily begin a new one, and he had taken care to secure the good Will of King *Charles*. The *French Troops* seiz'd what Posts in *Flanders* they thought fit; and among others, they formally besieg'd and carry'd *Luxemburg*, one of the most considerable Frontier Garisons in *Europe*, whether you regard its Strength, or the great Command it has by its Situation. The *Spanish Provinces* were put under Military Execution, and miserably pillag'd. This Conduct, with that of the same nature which was carry'd on in *Germany*, alarm'd *Europe*, and produc'd the League of *Ausburg*. And then *France* thought it was time to secure the best Part of what she had ravish'd from *Spain* by a Truce of 20 Years, concluded in 1684. during the Continuance of which Truce, she had conceded to her *Luxemburg* with its Provostry, *Beaumont*, *Beauvois* and *Chimay*, with between thirty and forty Villages depending on them. *France* restor'd *Courtray* and *Dixmuyde*, but they were first demolish'd. Thus she became intirely Mistress of *French County*, and the *French* became very powerful in *Flanders*, and the *Spaniards* so weak, that during the Course of the last War, the united Power of *England* and *Holland*, besides what *Bavaria*, *Cologne*, and *Liege* contributed, were not able to hinder *France* from taking the strongest Garisons in *Flanders* from year to year, and that in view of our Armies; nor were we ever able to retake any of them by force but *Namur* only.

Lays claim to most places in Flanders.

While *France* was seizing these noble Branches of the *Spanish Monarchy* on this side, she form'd no less Designs against her *Italian Provinces*: Tho the Match that was carrying on between the present Duke of *Savoy*, and the then *Infanta of Portugal* in 1680. was in many things mysterious, yet in others it was not so. Were it not for the Laws of *Lamego* (which in *Portugal* have the Force of the Salique Law) it was certain the then *Infanta* was the presumptive Heiress of that Crown: For her Father had no Sons, and it was generally believ'd he never would have any. *Madam Royal*, Mother to the present Duke of *Savoy*, was left sole Regent during her Son's Minority; but his Royal Highness being of Age (for he was then fourteen years old) she saw that she could not long preserve her Power. The Queen of *Portugal* was Sister to *Madam Royal*, she was an intriguing Lady, had a great hand in the Revolution that was brought about in *Portugal*, and a very considerable Share in the Government. A Match was then propos'd between his Royal

His Design of securing Savoy to himself.

Highness and the Infanta of *Portugal*; and 'tis generally believ'd it was mov'd and concerted by Cardinal *D' Estees*, who certainly was at *Turin* that year: And here we are to observe that both the Queen of *Portugal*, and *Madam Royal* of *Savoy*, were French Ladys, Daughters to the Duke of *Nemours*. France essay'd every thing to effect this Match. His most Christian Majesty join'd his Interest with that of the Queen's, and prevail'd upon the *Cortes* to dispense with the Laws of *Lamego* in favour of this Match. In the year 1680. the Infanta was sworn Heiress to the Crown. The Queen was fond of the Match, for she had reason to believe that by marrying her Daughter to her Nephew, she would not only be able to secure, but increase the share she had in the Government. *Madam Royal*, who foresaw her Regency could not last long in *Savoy*, was to be establish'd in the Regency when her Son went to *Portugal*, and where he was oblig'd to reside; and his most Christian Majesty engag'd himself to support and defend her in it.

Madam Royal soon found this Match could never be effected, nor her Regency secur'd without the Assistance of French Troops. The *Savoyard* Nobility were highly enrag'd when the Match was proclaim'd, and his Equipage sent to *Lisbon* before him. They easily foresaw that this Voyage was contriv'd by *France*, that when the Duke and his Nobility were in *Portugal*, his most Christian Majesty might meet with no opposition in seizing a naked and defenceless Country. For you must know that his Royal Highness had declar'd he expected that all those who had any relation to the Court, should attend him to *Portugal*, tho he did not require they should continue there. They consulted among themselves, and let *Madam Royal* know how prejudicial this Match would prove to the State, to which they had never given their Consent; and that they look'd upon the sending the Duke to *Portugal*, in a manner intended, as a Design to expose their Country to *France*. But the Dutchess's Ambition to be Mother to a King, to secure her Regency, and her Engagements to *France*, made her not only persist in her Resolution, but send to desire the Assistance of the French King, without which she saw she was like to miscarry. Accordingly he, who above all others was most concern'd that the Match should go on, order'd a considerable Body of his Troops to march to the Borders of *Savoy*. The Garison of *Pignerol* was strongly reinforc'd, and two thousand new Men were sent to *Casal*, which had been newly purchas'd from the Duke of *Mantua*, and Quarters were preparing in *Savoy* for three thousand French.

How prevented.

The Motion of the French Troops did not frighten the *Savoyard* Nobility into a Compliance, but made them more sensible of their Danger. They took an opportunity, when *Madam Royal* was at her Country House, and represented to his Royal Highness 'how much it import'd him to consider that he was little better than a Prisoner, whilst his Dominions were surrounded with French Troops on every side; that the Dutchess had concert'd Matters with his most Christian Majesty, that his best Places were to be put into that King's Hands as soon as he should embark for *Portugal*: That she was sending him to *Lisbon*, not that he might reign there, but that she might reign in *Savoy*: That he must not think to act as Sovereign in *Portugal* while the Prince and Queen lived; and consequently it was not for his Interest to be kept in subjection there, while he might stay at home and command them as his most Dutiful Subjects. They put him in mind of the mortal Hatred the Portuguese bore to Strangers, and that they were compell'd to consent to this Match; and that if they should put him by the Crown as they had done the King of *Spain*, he was like to be turn'd out of all; for the French during his Absence would be sure to make themselves Masters of *Savoy*, and it would be a hard matter to get them into the humour to restore it.

When the young Prince in great disorder ask'd, How these Mischiefs were to be prevented? they resolutely told him, There was no remedy but to sign an Order to arrest his Mother. They press'd their Point home, and told him, He must either resolve to do it immediately, or be ruin'd without resource. Which accordingly he did with Tears in his Eyes. 'Tis true, she was not arrested, because she discover'd the Design before it was executed. However it had the intended effect, which was to break off the Match, for she was at length convinc'd that (besides the Difficulties she would meet with otherwise) her Government would be more precarious under the French, than if her Son continu'd in the Country. The Duke pretended to be sick, and the Fleet of *Portugal* went home as it came.

Thus the Courage and Wisdom of the Nobility of *Savoy* and *Piedmont* not only preserv'd their own Country from falling under the Domination of *France*, but in that Act they sav'd *Milan* and all *Italy*. For it is evident, if *France* had made herself Mistress of *Savoy* and *Piedmont*, *Milan*, *Lombardy*, and indeed all *Italy* must have receiv'd her Laws. So that whoever will consider the State of *Europe* at that time, viz. 1682, will find *France* in her greatest height of Glory and Power. The greatest Princes of *Christendom* trembl'd at her Armaments, and durst not resent either her Incroachments or Affronts. I say, whoever will consider this, must confess that if this Match had taken effect, there had been an end of the *Spanish Empire in Italy*.

Tho this was a terrible Disappointment to *France*, and which she deeply resented, yet she had form'd other Designs against *Italy*. *Casal* was bought from the Duke of *Mantua*, and strongly fortify'd; *Casal* was truly look'd upon to be the Key of *Lombardy*, it is situated on the Po in the *Montferrat*, on the Frontiers of *Piedmont* and *Milan*. All the Princes of *Italy* were strangely alarm'd at this Purchase, and not without a great deal of reason. But they wanted both Courage and Power to attempt to shake off the Yoke. The Duke of *Savoy*, to regain the good Opinion of *France*, whom he durst not too far provoke, married *Mademoiselle D'Orleans*; he refus'd the Matches which were propos'd to him by the House of *Austria*, either with the Princess of *Newburgh*, or the Daughter of the Duke of *Tuscany*. By means of this Match *France* secur'd a Communication between *Pignerol* and *Casal*. In the Year 1684, when things tended to an open Rupture with *Spain*, *France* sent a Fleet to *Genoa*, and threatned to bombard their City, unless, among other things, they would quit the Protection of *Spain*, and put themselves under that of *France*. And because they resolutely refus'd to comply with those unreasonable Demands, they were actually bombarded. The Governor of *Milan* arm'd in their Defence, and by the Mediation of the Pope and *Spain* the Business was made up, and they sent their Doge and four Senators to beg the French King's Pardon as far as *Versailles*. But the *Genoese* would not consent to throw themselves into the Protection of *France*, which was a second Blow that the *Spanish Empire in Italy* escaped. And this I take to be the true state of the Measures *France* has visibly taken towards making the Union of the two Crowns unavoidable, from the *Pyrenean Treaty* to the beginning of the last War.

Casal
bought by
the Fr. K.

By all this it appears that his most Christian Majesty, by a premeditated Fraud, deceiv'd the *Spaniard* into a Match, under the pretence of a Renunciation, which he never intended to observe. He oblig'd himself to abandon *Portugal*, not with a design to observe his Oath and Treaty, but thereby to oblige *Spain* to resign so many Garisons and Countries as she did by the *Pyrenean Treaty*, and in a manner to desert her Allies, the Duke of *Lorain*, and Prince of *Conde*. By disavowing the Renunciation, he has gain'd, what he calls, a Title to the *Spanish Monarchy*; and by assisting *Portugal* he intirely broke the Power of *Spain*, which never has been able to support it self since. This was the first Step towards his making a bad Title good, *Spain* being hereby rendred incapable to make any Effort to rescue her self from the Domination of *France*. Lastly, he took all possible Measures to wrest *Flanders* and *Franch County* out of their hands; and to make the Game certain, he made the *Spaniards* secure in his repeated and solemn Promises that he intended strictly to observe the Peace and Amity with them, by which means he found them destitute both of Force and Alliances to defend themselves. I have given you an account of the Design he had upon *Savoy* and *Piedmont*, and afterwards of obliging the *Genoese* to abandon the Protection of *Spain*, and put themselves under that of *France*, and of his Purchase of *Casal*; all which must have prov'd fatal to *Milan*, and indeed to all *Italy*.

Deceived
the Spaniards
by the
Renuncia-
tion.

Thus *France* had taken her Measures so well, that if the late King of *Spain* had died before the Abdication, it is morally certain that no Alliance, nor no Power in *Europe* cou'd have hinder'd her from securing the whole Succession of *Spain* for the Dauphin. Without *England* no Fleet durst have appear'd either upon the Coasts of *Spain*, or in the *Mediterranean*, to relieve the *Spaniards*; and without a Fleet superior to that of *France*, all other Measures must have prov'd ineffectual. The Princes of *Italy* could have form'd no Alliances against *France*. As for the *Spaniards*, a late Example sufficiently teaches us how far their Fear prevails upon them.

Without
England
none cou'd
hinder the
Dauphin's
possessing
Spain.

The former Case supposes the Death of the late King of *Spain* before the Abdication: but now I will suppose his late Catholick Majesty alive, and that the last War had been carried on during the Reign of the late King *James*; or that *France* could

could have engag'd us in a Civil War upon the landing of the Pr. of Orange in England (from both which nothing but the great Goodness of God, and the Prudence and Courage of the King sav'd us) I say, that whoever will consider the Progress of the late War, will in either case allow that *France* must inevitably have been Mistress of *Flanders*: That either the Duke of *Savoy* must have from the beginning declar'd for *France*, and in that case *Milan* would have been irretrievably lost, or if he had declar'd against *France*, he must have lost every foot of his own Country; for in this case he cou'd have expected no Relief either from *England* or *Holland*.

Italy, &c.
could not
oppose
France if
possess'd of
Savoy.

The great Conquests that the *French* Arms made in *Savoy* and *Piedmont* during the late War, notwithstanding the powerful Assistance that Prince receiv'd both from us and the *Dutch*, sufficiently prove the Truth of my Assertion: And every one must allow that if *France* were Mistress of *Savoy* and *Piedmont*, *Milan* and the rest of *Italy* either could not, or durst not give her any Opposition. Could the late Alliance without *England* have sav'd *Barcelona* so long as it was sav'd? Or could they have oblig'd *France* to restore it, when taken? If *Barcelona* had continu'd in the hands of *France*, 'tis true beyond all contradiction, that the *Spaniards* could have protected no King at *Madrid*, but one of his most Christian Majesty's chusing.

Thus I believe I have made it very plain, that from the time of the *Pyrenean* Treaty till the late Revolution, the *French* King constantly aim'd at the Union of the two Crowns, and that from time to time he had taken such Measures, that without *England* all the rest of *Europe* could not prevent it. And all the World knows that he had concerted Matters so well here, that he had nothing to apprehend from us.

On late
Revolution
broke his
Design of
uniting the
2 Crowns.

The late Revolution broke his Measures. He was oblig'd to restore by the Treaty of *Reswick*, all that he had taken in *Catalonia* during the War. In *Flanders* he not only restor'd his Conquests made during the War, but likewise those Places that he had taken since the Peace of *Nimeguen*, viz. *Luxemburg*, the County of *Chiny*, *Courtray*, with almost all his Reunions. He was perfectly driven out of *Italy*. *Casal* was taken from him during the War: And upon the Peace of *Savoy*, he not only restor'd his Conquests, but likewise *Pignerol*, which is a Place of the last Importance, by its Situation commanding a Pass into *Italy*, and which had been in the hands of *France* since the Year 1631. *Germany* reap'd great Advantages by the Peace, by which they are inabl'd to act much more powerfully in defence of their own, and the common Liberties of *Europe*, than they could when the last War began: So that if things had stood upon the foot that the Peace of *Reswick* had settl'd them, they were in a condition greatly to have supported the Rights of the House of *Austria*; and the *French* Hopes to have obtain'd the Crown of *Spain* seem'd to have receiv'd a mighty Check.

What the
Design of
the Treaty
of Parti-
tion.

Such indeed were the Appearances of things, when Time brought to light vast Designs deeply concerted, whereby his most Christian Majesty has sufficiently convinc'd the World, that the Union of the two Monarchies has been the steady and unalterable end, I may venture to say, of most of the Actions of his Reign. It is impossible for me to guess what those Views might be that engag'd the King and States of *Holland* to concert the Treaty of Partition with the *French* King; whether they were of opinion it wou'd prove an Apple of Discord, that would make the Catholick Princes break against one another, and carry a War into *Italy*, which the Catholick Princes wou'd otherwise endeavour to begin in the North, to the great Danger, if not to the Ruin of the Protestant Religion; and whether they might not believe, that in such a War it was probable the Princes of *Italy* wou'd exert themselves to join with the Emperor, to hinder *Naples*, *Sicily*, *Final*, and the Ports on the Coast of *Tuscany* from falling into the hands of *France*, which, if not prevented, must have brought inevitable Ruin upon them; or whether they were of opinion, that without any such Views the Treaty was the best they cou'd obtain without engaging in a War. *England* and *Holland* were greatly exhausted by the last War. Something seem'd to have been carry'd on with too much warmth here, and with an appearance of no great Complaisance for the King, which possibly might make both the King and the States unwilling to enter into a new War to save the whole Succession, upon the Uncertainty of those Measures the People *England* might be willing to take. I say, 'tis impossible for me to guess whether these were any of those Motives that engag'd the King and States to enter into the Treaty of Partition; but we are to believe better both of the Wisdom of the King and

and the States, than to imagine they had not either great Views, or great Necessities that oblig'd them to ingage in it.

But however sincere their Intentions might be, it is notorious they were deceiv'd by the *French* Infidelity: It is certain the King and the States understood their Interest as well as his Most Christian Majesty. If any shall ask how they came to be the Bubbles of this Treaty? I answer, it was not for want of Prudence, but for want of Power; for we being unarm'd, made a Treaty with a faithless Prince that was powerfully arm'd, and consequently we were not in a condition to force him to execute it, nor to prevent his Violation of it. None questions but his Most Christian Majesty has constantly aim'd at Universal Empire; and since he has always miscarry'd in his Designs, in having the Dauphin chose King of the *Romans*, the Union of the two Monarchies of *France* and *Spain* was highly necessary to effect it. If then he had adher'd to this Treaty, the Union of the two Crowns, and consequently of that Empire which he has so long courted, had been delay'd. He found that he grew old, and his immoderate Vanity and Ambition would not allow him to believe he had done enough, if only in imitation of *Philip* of *Macedon*, he had laid such a Foundation whereon the Dauphin, like *Alexander*, might have built the Empire of the World. This was an Honour he envied his Son, he would himself equal the Glories both of *Philip* and *Alexander*, and raise the Empire, as well as lay the Foundation.

King and States deceiv'd in it by the Fr. Infidelity.

Nothing but this can be the reason why he rejected the Treaty of Partition, and was at so prodigious an expence to obtain, and then to support the Will. For if the Treaty of Partition had been executed, *France* would have obtain'd her Design of uniting the two Crowns as securely, tho more leisurely, as she can do by adhering to the Will, and with much less Opposition. 'Tis allow'd on all hands that *France* by being in possession of *Guipuscoa*, could at pleasure have carry'd her Arms into the Heart of *Spain*; and consequently whoever were King of *Spain*, *France* was able to make good the Dauphin's Title whenever she thought it convenient. The Duke of *Lorain* could never have defended *Milan*, when *Naples* and *Sicily* were in possession of *France*, with the Port of *Final* (which is a part of *Milan*) and all the other Ports which the *Spaniards* possess on the Coasts of *Tuscany*.

Why the Fr. K. rejected the Treaty & accepted the Will.

Thus *France* by ingaging *England* and *Holland* to make the Treaty of Partition, had taken effectual Measures to secure the Union of the two Crowns. For if his Catholick Majesty had made a Will in favour of the Arch-Duke, then his most Christian Majesty would have adher'd to the Partition: And 'tis confessed on all hands, and is in it self very plain, that by it he wou'd have been Master of the Monarchy of *Spain*, tho not without time. But if, as he has done, he could get a Will in favor of the Duke of *Anjou*, he was then at once Master of their Monarchy. The Conduct of *France* on this occasion ought to be seriously weigh'd by all who shall advise the King to come to any new Partition with *France*, or to any Terms with the *French* King, till we have first in conjunction with our Allies, put it absolutely out of his power to prosecute his darling Design of uniting the two Crowns. Whoever would frighten us with the Expence and Tedioufness of such a War, either are not sensible of our Danger; or, if they are, they draw a poison'd Arrow out of a *French* Quiver. His most Christian Majesty out of his great Tenderness to this Nation, has nam'd a Successor to our King: and unless we break his Power at Sea, and turn his Grandson out of *Spain*, 'tis a thousand to one, he will one day impose him upon us. War is an Evil always hateful for the Mischiefs it brings with it, yet 'tis sometimes not only eligible, but necessary for the greater Miseries it averts. If this were ever the Case of a Nation, it is that of *England* now.

By the Treaty had secur'd the Union of the two Crowns.

Let those who advise the Treaty I have been speaking of, consider, that the true Reasons why the *French* King broke the Treaty of Partition were, that it was more for his Interest to adhere to the Will; And *England* and *Holland*, who entered into the Treaty with him, were not powerful enough to be Guarantees of their own Treaty. Let these Gentlemen consider whether our Condition will not be much worse in this new Treaty.

I think I have made it undeniably plain that the steady Design of his Most Christian Majesty from the Year 1659 to this time has been to effect the Union of the two Crowns. All his Steps, and all his Measures tended that way. I have prov'd it very fully in the former part of this Discourse, that this Treaty will put it more than ever in his Power to accomplish this Design. Then can these Gentlemen either persuade themselves or others, that in complaisance to their Treaty he will lay aside a form'd Design which he has carry'd on *per fas & nefas* for 43 Years; when

New Treaty now will put it more in his Power.

when that very Treaty by which they would pretend to make him lay aside that Design, will put it a hundred times more in his power to execute it than ever it has hitherto been?

He must have a great proportion of Faith that can not only believe this, but likewise that the *French* King would lose all those mighty Acquisitions that were to be annex'd to the Crown of *France* for ever by the Treaty of Partition, either out of Love to the Person of the Duke of *Anjou*, or barely out of the Vanity to make him a King, without any further prospect. Let us rather believe the Truth, that he acts in this consonantly to his old Principles, and that he never would have slighted those great Advantages but for the sake of those far greater that must accrue to that Crown by settling the Duke of *Anjou* in *Spain*; which can be none other but the long aim'd at Union of the two Crowns. As for his Vanity, 'tis much better satisfied by the Union of the two Crowns, and establishing the Universal Empire in his own Family, than by having one Grandson King of *France*, and another King of *Spain*.

His only
Study has
been to
make his
Family
great.

All the World allows his most Christian Majesty to be a wise and politick Prince, and that the Study of his Life has been, to make his Family great. But if he intended seriously to observe this Treaty, we must undoubtedly change our opinion of him, and say, that he's the weakest Prince that wears a Crown (for when we speak of some Men, Morality and Religion are out of the question) and that he has laid the Foundation of the Ruin of his Family in both Branches, which is a Step so very weak, that his Enemies will never impute it to him.

To settle
the Duke of
Anjou's
Crown into
a vast
Debt.

For it is evident, that to obtain this Will, and afterwards to get the Duke of *Anjou* put into possession of the whole *Spanish* Monarchy, and to support him in it, he has run his Crown into a vast and new Debt, which before was heavily burden'd. He has exhausted his Kingdoms of its Treasures to the last degree, which appears beyond Contradiction in his altering the Value of his Coin three times in less than two Months, and the mighty Rise of Interest, which have destroy'd both Trade and Credit. The Debts of *France* are hereby become so great, and she is so very much drain'd, that it is visible nothing can retrieve her but the *Spanish* Treasure, and the *West-India* Trade; nay, without those Helps, she must unavoidably sink yet much lower. Is it then possible for any one to entertain so mean Thoughts of the Wisdom of the *French* King, as to believe that in favour of the Duke of *Anjou*, he would not only suffer *France* to lose those Advantages she might have reap'd by the Treaty of Partition, but likewise, in favour of the same Grandson, perfectly exhaust his hereditary Kingdoms, and throw them from their late flourishing State into a languishing and consumptive condition? What has *France* done to deserve such Treatment? Or what has the Dauphin, and Duke of *Burgundy* been guilty of, that in favour of the Duke of *Anjou*, that noble Monarchy, which must one day be theirs, should be ruin'd?

We would
not have
done it if
he would
keep the
2 Crowns
separate.

Let us not then be afraid to advance it as a certain Principle, That his most Christian Majesty never intended to ruin his hereditary Dominions, barely to make the Duke of *Anjou* King of *Spain*: Nor directly in opposition to all Prudence and Policy, irretrievably to weaken that which must be the Patrimony of the eldest Branch of his Family, in favour of the younger. For this must be undeniably the Fate of *France*, if her Monarch intends that the two Crowns should be really separate, and independent of one another. Let us rather say, that he intended by the Union of the two Crowns, and a free Trade to the *West-Indies*, to do Justice to the Dauphin, and to give his Hereditary Dominions a large recompence for the vast Expence of Men, and Treasure they have been at to effect it.

In order to
it has sacrific'd
all Rights.

There is nothing his most Christian Majesty has study'd so much as the Grandure of his own Family. 'Tis the Idol to which he has sacrific'd all Rights both Human and Divine. But at present I shall only desire my Reader to allow him that common Tendernefs for his Posterity, that Mankind generally bear to theirs; and to believe that he would not be wanting in the ordinary Methods of Prudence to establish their Peace and Happiness. Now it is evident that if he sincerely intends that the two Crowns should continue separate and independent of one another, he has laid a lasting Foundation of Discord, and unnatural Wars between the two Branches of his House, which must inevitably weaken both, and probably end in the Ruin of one. With relation to his own Family, the Right to the Crown of *Spain* is manifestly in the Dauphin, and Duke of *Burgundy*; but if the Duke of *Burgundy* shall die without Heirs Male (as 'tis likely he may) then the Duke of *Anjou* is to be King of *France*, and the Duke of *Berry* to succeed him in *Spain*. Take it either way, the Right to the Crown of *Spain* will be in him that is King of *France*, and the

the Possession in him who is King of *Spain*. His most Christian Majesty has not thought fit to oblige either the Dauphin or Duke of *Burgundy* by any publick or authentick Act, to resign their Titles to the Spanish Crown in favour of the Duke of *Anjou*. 'Tis probable, that while the present French King or Dauphin shall reign in *France*, Paternal Affection on one side, Gratitude, Interest, and filial Duty on the other, may hinder these Seeds from breaking out into any violent Effects. But when Brothers and Cousins shall come to fill the two Thrones, his most Christian Majesty is too clear-sighted not to foresee that he has thrown a Bone of Contention between the two Branches of his Family, that cannot fail to tear both in pieces with cruel Divisions and bloody Wars, of which the Consequences are not to be foreseen.

If his Intentions are, that the two Crowns shall continue divided, he would have taken all those Methods that Prudence could suggest, to prevent that Ruin that such Discord must bring upon his Posterity. He would have oblig'd the Dauphin, and Duke of *Burgundy*, to have made the most full and authentick Acts of Renunciation in favour of the Duke of *Anjou* that could have been fram'd, which he would have ratify'd in the Parliament at *Paris* in the most solemn manner: He would have adjust'd their different Pretensions so clearly, as to have left no room for future Claims on either side. But if nothing of this has been done, can we believe otherwise, than that he intends to prevent this Ruin, from falling upon his Family, another way; that is, by the Union of the two Monarchies?

If, contrary to the expectation of the World, the Duke of *Burgundy* shall have Heirs Male (and who knows what care may have been taken to prevent this, or what other Assurances they may have in *France* that he never will have any?) in this case the Duke of *Anjou* is to be no more than the Vice-gerent of *France* in *Spain*. And as it will not be in the power of that Prince to help himself, so he will not have any real Cause to complain: for this will be an honourable Preferment for a second Son of *France*. 'Tis not to be deny'd, but that hitherto this is the only part the Duke of *Anjou* has acted. He is as much under the Directions of his Grandfather, as either *Villeroy* or *Boufflers*. Both the Kingdom and the Provinces of *Spain*, are intirely under the Administration of *Versailles*; and to make things yet more easy, there is a Communication of Honours and Privileges between the Grantees of *Spain* and the Peers of *France*; which is a Step I believe never was made but where there was either an actual Union of Dominions, or one intended, and but seldom in that case. Thus then the great Difficulties of reducing the Spanish Monarchy to be a Province of *France*, are all overcome; *Spain* and her Provinces being already under an intire French Administration, and her King is visibly no more than a Vicegerent.

But if the Duke of *Burgundy* shall die without Children, as is much more probable, then the Duke of *Anjou* is to enjoy both Monarchies. And tho I hope what has been already said puts this matter out of dispute, yet to stop the mouths of all Gainfayers, I will confirm it from the Mouth of his most Christian Majesty, in the very Instrument he publish'd for the preservation of the Duke of *Anjou's* Rights to inherit the Crown of *France*, in case the Duke of *Burgundy* should die without Children. After a Preamble nothing to our purpose, save that it takes notice of the Dauphin's lawful Rights, it goes on: 'For these Reasons, and other great Considerations us thereunto moving, &c. we have said, declar'd, and ordain'd, and by these Presents do say, &c. and it is our Will and Pleasure, that our most dear and beloved Son the King of *Spain* shall always preserve the Rights of his Birth in the same manner as if he had actually resided in our Kingdom. Then he goes on and says, that if the Duke of *Burgundy* shall die without leaving Issue Male behind him; 'In such case our said Grandson the King of *Spain*, claiming the Rights of his Birth, shall be the true and lawful Successor and Heir of our Crown and Dominions, tho he were at that time absent and residing out of our Kingdom: And after his decease, his true and lawful Heirs begotten in lawful Wedlock, shall come to the same Succession. It being our Pleasure, for the Reasons above-said, that neither our said Grandchild nor his Issue Male, shall be censur'd or reputed less qualify'd or capacitated to come to the said Crown, &c. So we give in Command, &c.

Here it is plain, that his most Christian Majesty has fully taken off the Mask, and discover'd the Truth of his Intentions: For in contradiction to what he would impose upon the World, that he does not intend the Union of the two Crowns; and in contradiction to the 12th Article of his late Catholick Majesty's Will, where it

And have us'd all means to prevent the Ruin of his Posterity.

D. of Anj. under the Direction of his Grandfather.

Must enjoy both Monarchies if the D. of Burgundy dies Childless.

Which is contrary to the K. of Spain's Will.

is thus exprest; 'And as it is my Intention, and that it much imports the Repose of Christendom and *Europe*, and the Peace of my said Kingdoms, that this Monarchy should always be separate from the Crown of *France*; I declare, that if the Duke of *Anjou* happen to die or fall Heir to that Crown, and prefer it to this of *Spain*, the Succession of *Spain* shall go to the Duke of *Berry* his Brother, the Dauphin's third Son, in that same manner, &c. I say, his most Christian Majesty, in contradiction, as well to his own Pretensions, as to this Clause of the Will, in case the Duke of *Burgundy* shall die without Heirs Male, not only restores the Duke of *Anjou* to his Rights of succeeding to the Crown of *France*, but does it absolutely, without any manner of Restriction or Limitation; and does by no Insinuation oblige him to quit the Crown of *Spain*, or any part of it, to the Duke of *Berry*.

I believe then I have put it beyond all dispute, and that from the most weighty Considerations imaginable, that if his most Christian Majesty shall enter into such a Treaty, it is only with a design to break it, and under the Pretext of this Treaty to unite the two Crowns, as I have shewn it will be in his Power to do, when the present Alliance shall be broken and disarm'd.

What must
be said for a
Treaty with
France.

But if any shall be still of opinion, that we ought, either now, or after a War shall be begun, to accommodate Matters upon these terms, they must say one of these two things: Either, that we are not concern'd in the Union of the two Crowns; or else that we are in a Condition to compel *France* and *Spain* to observe the Treaty, and to be Guarantees of its Execution. If they affirm the former, the King, both Houses of Parliament, and the whole Body of the Nation, whom they represent (except particular Persons) are of another opinion. And therefore whoever will take upon him to maintain this Paradox, is either not to be credited, or to be suspected. But if they will say, we are able to be Guarantees of this Treaty, I answer;

We are not
able to
warrant a
Peace.

First, By denying that we are in a condition to warrant this Peace, which I have prov'd already, where I take notice of the great ease this Treaty would give *France* to effect the Union, and the Impossibility that we and the Dutch would lie under to prevent it. Referring the Reader in this Point to what I have said there, I will only add here, that I would have those who advise such a Treaty, to consider in what a noble Condition we were in to warrant the Treaty of Partition, when *England* and *Portugal* and *Holland* were not only Guarantees, but principal Parties contracting. Did not *Europe* with astonishment behold his most Christian Majesty put his Grandson in possession of the intire Spanish Monarchy? Did they not suffer the French King to seize *Flanders* and *Milan*? And tho so many powerful Nations were interested to prevent this Violence, was there one Sword drawn to oppose it?

If the Emperor has carry'd so early and vigorous a War into *Italy*, it was to vindicate the Rights of his Family, which were so highly violated by the Duke of *Anjou*'s Intrusion: His Rights are hitherto intire, and not diminish'd by any Treaty.

If the Emperor's Army had been beaten out of *Italy*, I see no Remedy but *Europe* must have receiv'd the Laws of *France*. In that case it would be hard to say, either where *France* could have been attack'd, and who are those Princes would have dared to attack her; or what Success they could have propos'd in their Attempt. For 'tis not to be doubted but it is this Success alone that encourages many Princes to come into the present Alliance, and awes others from ingaging in opposite Interests.

But when the French King shall find it convenient to break the Treaty I'm now speaking of, the Case will be very different. This Treaty will settle the Rights of the two Houses of *Austria* and *Bourbon*: It will establish the Duke of *Anjou* in his part of the Spanish Monarchy, whose Title must then be acknowledg'd by all *Europe*. It will be next to impossible to engage the Body of the Empire in a War to vindicate the Injuries his most Christian Majesty shall be committing behind the *Pyrenees*, and in which they will have no particular Interests. Besides, the Spaniards, who will be immediately aggriev'd, can make no Complaints, nor demand any Redress, because those Contraventions of the Peace will be carry'd on in concert with the Duke of *Anjou*, who will then be their King. Moreover, in such a War we cannot touch *Spain*, unless we think fit to invade it by Sea, which in that case will be next to impossible; and *France* can only be attack'd on the side of

Flanders

Flanders and Germany; and we know full well by the two last Wars that nothing is to be decided that way.

But against my opinion, and all appearance of Reason, I will allow these Gentlemen that we are able to form a League to warrant this Treaty. Let us examin whether this will mend our Condition.

There is but one way in Nature to warrant this Peace; and that is, we must enter into a League of Warrantship with the Emperor, the Empire, the *Dutch*, and all other Nations who shall be willing to come into it. By this Treaty the Guarantees must stipulate to maintain constantly in time of Peace, a determin'd Proportion of Force by Sea and Land, which they shall judg sufficient to oblige his most Christian Majesty to perform his new Treaty of Peace, whenever he shall go about to infringe it. And this League of Warrantship must continue for such a certain number of Years, as shall be found reasonable. All other Methods of warranting this Peace are mere Chimeras. If nothing else will shew the Folly of such a Peace, this League of Warrantship will do it sufficiently.

How Peace must be warranted.

1. For to avoid the Expence of a War, which, considering the exhausted Condition of *France*, the unsettled State of the Spanish Monarchy, and the Power of the Confederacy, cannot in reason last above two or three Years, we shall ingage our selves in a lasting and consumptive Expence, of which none can foresee the End. Thus we shall, really and truly, lie under the Burden and Expence of a War, while we enjoy nothing but the Name of a Peace. I desire those Gentlemen would reflect upon this as they ought, who would have us make a Peace out of good Husbandry.

The folly of such Warranty.

2. This League of Warrantship will oblige us to keep up a very considerable Standing Army in time of Peace; and when we shall be for some Years accusom'd to have an Army among us, 'tis possible Princes may always find out new Pretences to keep them on foot. Whenever we come to keep up Standing Armies in time of Peace, we may venture to say, that our Liberty and Constitution are at an end. Surely then no one can advise us to make such a Peace, who has the Spirit of an English-man, and that true Love and Value for his Liberty and Constitution, to which Freemen ought to sacrifice all that is dear to them upon Earth.

We must maintain a Standing Army in time of Peace.

3. In concert with our Allies we must always be ready to enter into a War with *France* and *Spain*, whenever they attempt to break this Treaty. Let us consider how easy this will be to our Merchants, who, in time of Peace, have seldom so little as three Millions of Effects in those two Kingdoms.

Such a Peace then (upon the Supposition that we could warrant it) is to be rejected with Scorn and Indignation by every true English-man, as being both dishonourable, and destructive to his Country: For it necessarily involves us in this sad Dilemma, either we must sit still and patiently let *France* overrun all *Europe*, and at length our selves; or else we must enter into the Warranty I have mention'd, and so become Slaves at home, as the less Evil.

I must here, to avoid Repetition, refer my Reader to the Beginning of this Discourse; there he will find it plainly prov'd, that it is contrary to the Principles of all who aim at Universal Empire, to observe any Treaty longer than it is for heir Interest to break it. They seldom make Treaties of Peace, but with a Design to break great Confederacies against them, to secure their Conquests or Accessions of Dominion, or to put the Revenues, &c. of their own State in a better Condition, that they may afterwards fall upon their divided and unarm'd Neighbours with greater Force. There he will likewise find it prov'd that Universal Empire is the great Aim of his most Christian Majesty. All *Europe* has dearly found how religiously he has observ'd those Maxims, to the Violation, I may venture to say, of every single Treaty of Peace he has made. For this reason we betray our selves if ever we enter into any Treaty of Peace with him, till we first reduce him to such an Equality with his Neighbours, as may break his great Design of Empire, and may make him share the Fears as well as Hopes of entering into a new War. This ever can be done till the Duke of *Anjou* be driven out of *Spain*, and consequently the *Indies*; it plainly appearing the same thing, whether they continue in the hands of the Grandson or Grandfather.

By this Union France will be intirely Mistress of the Spanish Wool.

By the Union of *France* with *Spain*, *France* will be intirely Mistress of the Spanish Wool, and consequently of the Manufacture of fine Cloth, to the utter loss of that Manufacture here. She will absolutely command the Mouth of the Straits, and consequently she may either hinder the Ships of any other Nation from passing thro them, or admit them to it upon what Terms she thinks fit. So that *England*, and *Holland*, must either intirely give up their Trade to the Straits, or at best hold it precariously of *France*, and under her Limitations. Let those two Nations who are chiefly concern'd in this, consider how much of their Manufactures, how much of their Trade, how much of their Maritime Power depends upon this single Article! How shall we employ our Poor, when the Manufactures are lost? How shall we carry on our Trade, when so great a Channell is stop't? How must our Shipping decrease, which under God is our Safety and Bulwark?

And command the West India Trade, &c.

France, by being Mistress of *Spain*, will command the Trade and Treasure of the *West-Indies*. She is already forming Companies both in *France*, and *Spain*, to ingross that Commerce, which a Peace will give her leisure to effect. If we suffer his most Christian Majesty to add the Wealth of *America* to the Power of *France*, then indeed *France* will be irresistible. In a little time she will not only find Employment for her own Poor, but the Manufacturers of *England*, and other Nations, must either go there for Work, or starve at home. She will increase in Manufactures, Trade, and Shipping; she will recruit her exhausted State, she will become the Center of the Wealth of the *Indies*; and *England* and *Holland* must sink in the same proportion that she rises.

Wherein our hopes of recovering Spain lie.

There is nothing at this day that gives us the least Hopes of retrieving any Part of the Spanish Monarchy out of the Hands of *France*, but only her Want of Money. Were it not for this, we are sensible she would command both Alliances and Troops in *Germany*, *Switzerland*, *Italy*, and *Flanders*.

What then shall we say? Shall we by an inglorious Treaty, add the Trade and Treasure of *Spain* and the *Indies*, to the already exorbitant Power of *France*? Shall we make her Mistress of so inexhaustible a Fund of Wealth, that she may reduce Us, and all *Europe*, to a State of Slavery? Has not the *French* King affronted our King and Nation in contempt of his Treaties, and in the face of the World? Has he not sufficiently declar'd his Intentions of subverting our present Establishment, and of imposing Popery upon us, by declaring the pretended Prince of *Wales* to be our King? And shall we leave it in his Power to execute these unjust Designs, by giving the Duke of *Anjou*, that is to say the *French* King, *Spain* and the *Indies*?

On what account England, &c. should begin a War with Spain. Thereby reconcile the Spaniards to the House of Austria.

In prudence *England* and *Holland* ought to declare to the World, that they begin the War upon the foot of turning the Duke of *Anjou* out of the whole Spanish Succession. And this for several weighty Reasons.

There is nothing under Heaven can so intirely reconcile the Spaniards to the Interest of the House of *Austria*, and the Designs of her Allies, as such a Declaration; or will so effectually destroy the Credit that *France* may still have preserv'd in *Spain*. This is not to be deny'd, if we consider, that tho the House of *Austria* govern'd *Spain* for near two Centuries, yet they lost their Interest there, when it was once known that the Spanish Scepter could not be continu'd longer in that Family, without dismembring her Empire. *France*, her immemorial Enemy, offer'd to preserve her Monarchy intire, provided she would receive the Duke of *Anjou* for her King. This single Motive outweigh'd all other Considerations: She forgot her inbred Antipathy to the *French* Nation, and her Friendship and Obligations to the Family of her former Kings. She accepted his most Christian Majesty's Offer, tho she could not but foresee, that a *French* King would necessarily make her Crown dependent on that of *France*.

But the Scene of Affairs is much alter'd since that time. The exhausted State of *France*, the great Confederacy form'd against her, and the Success of the Emperor's Arms in *Italy*, sufficiently declare to all the World, and to *Spain* it self, that *France* cannot preserve her Monarchy intire. The Confederates can do it if they are willing. *France* has taught us how the Affections of that People are to be gain'd; let us turn her own Arts against her, nor can we fail to reap the greatest Advantages from such a Resolution, whenever *England* and *Holland* shall think it a proper time to land an Army in *Spain* upon this foot. Besides, *Spain* will hereby recover her former Independence.

War upon a Treaty will unite the Spaniards to the D. of A.

But if we begin a War upon the foot of dividing her Monarchy, we make an inseparable Union of Interests between *Spain* and the Duke of *Anjou*; and in this Case

Case we must expect to meet with the last Efforts of an incens'd and desperate Nation. In such a War, we shall probably find greater Opposition in recovering either *Naples*, or *Sicily* singly, than in turning the Duke of *Anjou* out of *Spain*, as well for the Reason I have before taken notice of, as because of the great distance between the Emperor's Country and those Kingdoms. He cannot send an Army into *Naples* without the Permission of other Princes; and who can tell how willing they may be to give his Troops free Passage? He can have no Magazines provided, without which it is not easy to be imagin'd, how a War can be carry'd on in an Enemy's Country. Any considerable Blow at so great a Distance from his own Dominions, must prove irretrievable. Besides the greater Difficulty and Hazard there will be in carrying on a War in *Naples* and *Sicily*, than in carrying on a War in *Spain*, we are to consider that if we turn the Duke of *Anjou* out of *Spain*, *Naples*, *Sicily*, and the *Indies* follow of course, and without striking a Blow, they being no more than Members that must partake of the Fortune of their Head.

England and *Holland* are to bear a great Part of the Expence in recovering, even *Naples* and *Sicily*, out of the hands of the Duke of *Anjou*, by their Fleets in the *Straits*, and the Diversion they must give *France* on this side, besides the Money they give the Emperor. This War, for Reasons already given, will very probably prove more bloody, difficult, and chargeable, than a War to recover the Whole. But if *England* and *Holland* shall find it necessary to ingage in such an Expence, surely they will think it reasonable to have the greatest regard to their own Security, viz. of their Trade and Commerce, preferably to all other Considerations.

Admit then that either by a Treaty, or a War, we should recover all the *Spanish* Dominions in *Italy*, with *Flanders*, to the House of *Austria*. We shall hereby gain a Barrier to the *Dutch*. 'Tis confess'd. We shall, at a great Expence, secure the Liberty of *Italy*. But what Pretensions has that Nation to so great Charity from *England* and *Holland*? Have they not always betray'd the Liberties of *Europe*? Has any one of her Princes drawn a Sword in the Defence of Liberty, except the Duke of *Savoy* in the last War? And did he not relinquish us before it ended? Does not *Savoy* and *Mantua* at this day join with *France*? And are not the rest of the *Italian* Princes Neutrals? Surely we ought to have a greater regard for our own than their Security; and the great Expence that *England* and *Holland* are at, and which *England* must yet increase, will merit better Terms than a bare Barrier for the *Dutch* in *Flanders*. We must take care to secure our Manufactures, our Commerce, and our Maritime Power, by which alone those Nations are considerable in the World. *Flanders*, *Milan*, *Naples*, and *Sicily*, cannot secure our Manufactures, our *Spanish*, *Straits*, and *West-India* Trades, of the latter of which our *African* Trade is but a consequence. The single Town of *Cadiz* is of greater moment to the Trade of *England* and *Holland*, than the whole Dominions of *Spain* in *Italy*. All Expedients to secure the Trade of those two Nations, are ridiculous, except that one of turning the Duke of *Anjou* out of *Spain*. When this shall be effected, the rest of the Monarchy, except *Flanders* and *Milan*, that are garison'd by *French* Troops, must follow the Fortune of their Head.

England ought to endeavour a Security of her Trade.

Cadiz of more consequence to us than all *Italy*.

If we turn the Duke of *Anjou* out of *Spain*, the House of *Austria* will be able to make us a good Compensation for the Charges of the War; but without that, we must expect no return for our Expences. We know they cannot repay us in Money; they can give us little or no Advantage in our Trade. And for cautionary Towns, I know none they could give us, that would be worth our acceptance, except *Ostend* and *Newport*. But instead of repaying us any part of our Expence, these Garisons would be a perpetual Charge to us, besides the Jealousy that Troops maintain'd there, might create in the People of *England*. Moreover, the Fate of *Tangier* and *Dunkirk* ought to make us sensible, that those Garisons will be more secure, if we put the House of *Austria* in a condition to protect them, by making the Arch-Duke King of *Spain*, than if we kept them in our hands.

H. of Austria will be able to compensate our Charge in recovery of *Spain* for it.

It is either a malicious or an ignorant Surmise to say, that if the Arch-Duke were King of *Spain*, the House of *Austria* would become too powerful. The Dominions of both Branches of the House of *Austria* were united in the Person of *Charles V.* who was Great both for his Wisdom, Courage, and Military Conduct. The Kingdom of *Spain* was then at least four times more powerful than at this day: He was absolutely Master of the Seas: The Dutchy of *Burgundy*, with the 17 Provinces, were intire in him. Yet notwithstanding all these Advantages, he was but barely a Match for *France*. If his Son *Philip II.* put *France* very hard to it, we must not attribute that to the Power of *Spain*, but to the Civil Wars of *France*. But as

It will not be too powerful by enjoying *Spain*.

soon

soon as Henry IV. had appeas'd the Civil Wars, and settl'd the distracted condition of the Kingdom, the Superiority of France quickly appear'd; and all the World allows, that both Branches of the House of Austria could not have prevented some fatal Blow that he was preparing to strike, had not a sudden and violent Death stop'd his Designs. Since that time France has taken from them a great part of Flanders, the Dutchy of Burgundy, the Country of Roussillon, and some other Places on the Frontiers of Spain, and has made considerable Conquests on the side of Germany. Spain is greatly dispeopl'd, and her Maritime Power intirely lost; and, ever since the time Gustaphus Adolphus broke the Power of the German Branch of the House of Austria, we find that both Branches, united have made no tolerable Balance against France; the Experience of which has cost us, and all Europe, very dear during the continuance of the two last Wars. Surely then it would be very extravagant, if an order to make a Balance in Europe we shall take away from the Weight of the House of Austria, which before was very much too light, and add to the Weight of France, that was already exorbitantly great. And this must be the case, unless we turn the Duke of Anjou out of the Whole.

This was truly foreseen by the great Wisdom of the House of Lords, who for this very reason address'd the King to enter into an Alliance with the Emperor, upon the foot of the Grand Alliance made with him in the Year 1689. By which Alliance England and Holland oblig'd themselves to assist the Emperor to secure the intire Succession of the Spanish Monarchy to his own Family. Which Alliance was not only founded upon Justice, but was consonant to the Interest of Europe in general, and of these two Nations in particular.

Why our H.
of C. con-
demn'd the
Partition
Treaty.

Tho the House of Commons did not think fit to express their Sentiments in so plain words as the House of Lords, yet in effect they said little less, for they condemn'd the Treaty of Partition, as to our present Subject, for two reasons: One was, because it so directly tended to increase the Power and Greatness of France, by delivering up to the French King such large Territories of the King of Spain's Dominions. The other was, that it so directly tended to the Destruction of the Trade of this Kingdom. As to the first reason, none can doubt but Spain and the West-Indies are vastly preferable to that part of the Spanish Dominions that France was to have had by the Treaty of Partition, whether you regard Power, Wealth, or Extent of Dominions. As for the second reason, there is no question, but that it was with regard to Naples and Sicily, that they look'd upon that Treaty to be ruinous to our Trade, and that with regard to our Trade to Turkey, and the Gulph of Venice, and the Isles in the Archipelagus. But Spain, in the hands of France, shuts up the very Mouth of the Straits, and does much more infallibly ruin, not only those Trades, but likewise our Trades to Italy, Barbary within the Straits, and to Spain. Besides, that France will be able to ingross the Trade to the Spanish-Indies, and stop that Channel of Wealth, that has made England and Holland so great. So that from the Opinion of the House of Commons, it must be ruinous to us, as well in respect of Power, as of Trade, if France be permitted to retain Naples and Sicily, but much more Spain; and I believe no true Englishman ever thought to let France enjoy Flanders.

And address'd the
K. to enter
into Alliances
against
France.

Besides, the House of Commons thought it proper in their last Address to the King, to assure his Majesty, that they wou'd be ready to assist and support him in such Alliances as he shou'd think fit to make, &c. for reducing the exorbitant Power of France. But surely it never can be suppos'd, that so wise an Assembly could be of opinion, that the way to reduce her Exorbitant Power is, by any Treaty to increase her Dominions.

Since then the united Wisdom of the Nation has agreed, That we cannot be safe, unless we reduce the Exorbitant Power of France, by turning the Duke of Anjou out of the Spanish Succession; let us heartily enter into the War, and depend upon God for Success. * *Iustum est Bellum quibus necessarium; & pia arma, quibus nulla, nisi in armis, relinquitur spes.* Nor have we any reason to doubt of Success, since we are to believe, that those numerous and premeditated Acts of Injustice, and those repeated Violations of Treaties that have rais'd his most Christian Majesty to his present Greatness, and have arm'd all Europe in their just defence, have likewise heap'd up a Treasure of Divine Vengeance, that is ready to break upon his Head. † *Adeste Dii testes Fœderis; & expetite pœnas debitas simul vobis violatis, nobisq; per vestrum numen deceptis.*

* Liv. lib. 9. † Idem lib. 6.

The Dangers of Europe, from the growing Power of France.

Printed a-
bout Nov.
1701.

With some free Thoughts on Remedies, and particularly on the Cure of our Divisions at Home, in order to a successful War Abroad against the French King and his Allies.

Certe quidem vos estis Romani, qui ideo felicia esse bella Vestra, quia iusta sint, prae vobis fertis, nec tam exitu eorum, quod vincatis, quam principiis, quod non sine causa suscipiatis, gloriamini. Liv. in Rhodiorum Oratione, Lib. 14.

μεθ' ὧν τὸ δίκαιον μετ' ἐκείνων ὁ θεός. i. e. Abs quo stat jus, ab eo Deus. Joseph. Antiq. 15.

The PREFACE.

SINCE the writing of the following Sheets, the Causes of our Alarm are increas'd. As the French King before the sitting down of the last Parliament, made himself Master of the Spanish Netherlands, which England has always look'd upon to be of the greatest Consequence for her own Preservation, he hath now just before the Meeting of our ensuing Parliament, made himself Master of the Town and Principality of Liege, and of all the Places of Strength in the Electorate of Cologne, the Capital of that Name excepted, which is likewise in great danger. This looks as if he design'd to affront our Parliaments, and to lessen the Esteem of this Nation in the Eyes of Europe. 'Tis well enough known, that when our King and Parliaments had a good Understanding, there was nothing in the World so awful to that Haughty and Perfidious Monarch, as the English Nation: but our late unhappy Divisions have augmented his Arrogance, and make him despise us. 'Twill be our own Fault if we don't remove that Occasion, especially considering the unsufferable Outrage he is guilty of toward us, in offering to impose an Heir of his own Education and Religion upon our Crown, contrary to the Acts of Succession, so unanimously agreed to by several Parliaments. This is an Injury of the highest Nature, and the greatest Affront he could put upon his Majesty and the Kingdom. 'Tis a manifest Declaration, that he aims at nothing less than to deprive us of our Sovereignty, and to subvert our Religion and Liberty, which can never be effected without the Destruction of the present Race of Englishmen, and an Entailment of Slavery upon all succeeding Posterity. Thus he requites us for the Treaty of Partition, and for owning his Grandson the Duke of Anjou's Succession to the Crown of Spain. This makes it evident beyond dispute, that he owns no Obligation of Gratitude to God or Man; and indeed the whole Course of his Reign hath been Treachery and Ingratitude to both.

'Tis in vain to think he can be brought to a contrary Sense or Practice by any posterious Treaty, and therefore it is hop'd this Nation will never come to another with him, but such as shall carry along with it an effectual Security; and that we can never have, till we be reduc'd to such a Condition, that we shall not need to value him, whether he keep to his Treaties or not.

A great part of the Nation have expressed their Sense, that his unaccountable Proceedings with relation to the Pretender, must be encourag'd by a Party amongst our selves. 'Tis therefore our Concern to make a thorow Enquiry who they are, and what's their Strength. It may be our Happiness, if rightly improv'd, that he hath discover'd his treacherous Intentions so early, whilst his Majesty, blessed be God, is alive and capable of fighting our Battels; therefore we shall have none to blame but our selves, if we don't bring him to a more express and particular Article for the Security of our Succession, than the 4th Article of the Treaty of Reswick. 'Twould seem he thinks that too much, since he has not the patience to stay till his Majesty has run the natural Course of his Life; but we have much better reason to think it too little, and seeing he has made bold to break it, it's our part to deny him the Privilege of any future Plea to have it observ'd, and either to bring him to a better Security of his own accord, or to take it by force.

That we are capable of doing so, if right Measures be taken, is endeavour'd to be made evident in the following Sheets, which have no other design but to serve the Publick. They expose the Folly and Danger of our Intestine Divisions, and offer some Expedients towards a Cure; but the whole is submitted to the Wisdom of the Nation in the approaching Parliament, betwixt whom and his Majesty, may there be a perfect Harmony and good Understanding, to the disappointment of our Enemies at Home and Abroad.

A View of the Dangerous State of Europe, &c.

IT is evident to all Men of Observation, That the Face of Europe looks with as cloudy an Aspect at present, as it has done at any time for these last hundred Years: Nor is it less evident, that England has her proportion of those Clouds which threaten an Universal Storm.

It hath been our Lot and Glory a long time to have the Reputation of being the Arbiters of the Grand Differences of *Christendom*; and it hath as long been in our Power to carry the Ballance which way we would. Nor can it be denied that this Nation, when suffer'd to act according to its own Natural Genius, has ever espous'd the juster Side.

Yet it must be own'd, that we have sometimes had the Unhappiness, as well as other Nations, to act contrary both to our own Interest, and to that of our Neighbours; but this has been more owing to those that were at the Helm, than either to the Ignorance or ill Intention of the People of England.

England oblig'd to act with Vigour at this time.

There are now the greatest Controversys depending betwixt the two chief Powers of Europe, that ever we or our Fathers heard of; and they are like to be disputed with greater Force and Warmth, than any other Controversy that hath yet troubled the Western World, or perhaps the Universe. This makes it evident, that we are more concern'd than ever to act with Vigor, if we have a mind either to preserve the Honour of keeping the Ballance even betwixt the two contending Parties, or to enjoy the Advantage of securing to our selves the Blessings of Peace and Prosperity.

In order to be satisfy'd as to this Matter, we are, first, to take a view of Affairs Abroad, and then to cast an eye upon those at Home.

As to Foreign Affairs, we must consider them as they respect Europe in general, and then as they relate to us in particular.

As they respect Europe in general, we are to consider,

Affairs abroad as they respect Europe in general.

1. That the French stand now possess'd of the Dominions of Spain, which, together with their own Dominions, make up the greatest Power that ever was under the Government of any one Western Prince or Court, since the fall of the Roman Empire.

2. That by the seizure of the Spanish Succession, the French King hath made a greater and more successful step towards the Universal Monarchy, than ever any other Prince did since the days of *Julius Cesar*.

3. That *Lewis XIV.* is Master of a far greater Force by Sea and Land, has more disciplin'd and warlike Troops, a greater Number of experienc'd Generals to command them, and a greater Treasure to maintain them, than any Prince ever

ever yet had, that attempted to bring the World under the Jurisdiction of one Scepter.

4. That whether it be by Infatuation, or the ill Genius of *Europe*, or, to speak more like Christians, by the over-ruling Hand of Divine Providence, to punish slavish and wicked Nations, it is undeniable that he has a greater Number of Subjects ready to follow him blindfold, and to sacrifice their Lives and Fortunes to his Ambition, than any other Prince ever yet had.

5. That he hath had and still has a greater Faculty and Success, by Bribery and otherwise, to bring other Princes and People to fall in with his Measures, tho apparently destructive to their own Interest, than all those together that formerly aspir'd to the Universal Monarchy. *Fr. King can easily bring others to his side.*

Of this there can be no doubt left in our Minds, if we consider how successful he has been in bribing and bewitching several of our own Princes and Ministers of State; the former by means of their Paramours, by furnishing them Money to prevent the Necessity of calling Parliaments, and by promising to support them in their Arbitrary Designs; and the latter, by advancing them Sums, by espousing their Interest, and by enabling them to appear at the Head of those Factions, which the Wickedness of our Courts, and the Weakness of our Clergy, Nobility and Gentry, have rais'd and admitted amongst us. The Design of the former was to divide us, that they might govern us with a more absolute Sway; and the Design of the latter was, that by their Interest in this or that prevailing Faction, they might make themselves the more necessary to their Prince, and by consequence more deserving of his Favour and Bounty; without considering, or at least regarding that they purchase this Temporary Favour for the most part at the rate of their Country's Liberty, and by consequence with the Ruin of their own Posterity. *Experienc'd by England.*

It were easy to shew that the French have practis'd the same Methods among Foreign Nations; but it's sufficient only to mention the way how they have acquir'd the Crown of *Spain*, the Success they have had in buying off the Electors of *Bavaria* and *Cologne*, and other Princes of the Empire; the Influence they have had in procuring a Party in *Holland* to oppose a War, and to own the Duke of *Anjou* as King of *Spain*; and their dexterity in kindling a Flame in the North, and keeping it hitherto from being extinguish'd. *And Foreign Nations.*

6. In the 6th place we are to consider the French King in his Alliances, and the other Advantages he hath acquir'd by his seizure of the Crown of *Spain*, which are as follows.

1. By this means he hath secur'd himself on the side of *Spain*, which tho but an enfeebled Monarchy, yet in the late War put him to vast Expences, by obliging him to send Armies to *Catalonia*, &c. and to be on his Guard every where else upon his Frontiers towards that Kingdom; which was a mighty Diversion to his Money and Troops. This he has now in a great measure deliver'd himself from, or at least if he be suffer'd to continue in possession (for his Grandson is no other than his Lieutenant) it will be a great Advantage to himself or any future King of *France*, to be secur'd on that side. *Fr. King's Advantages by his seizure of the Crown of Spain.*

2. By this means he hath an opportunity to secure himself of the Kingdom of *Navarre*, and to annex it to the Crown of *France*; which alone, considering its situation, will be of great Advantage to him, and as great an Annoyance to *Spain*, in case of any Rupture betwixt those two Kingdoms, because it opens his Passage into the very heart of *Spain*. And likewise when Affairs come to be a little settled, and that he thinks it proper for him to demand that Kingdom of the Spaniards as his undoubted Right, they cannot with any good Grace deny him a Monarchy of his own, who has been so kind to them as to prevent theirs from being dismembred, and also to preserve their other Conquests to them; or if they do, he knows how to ake it whether they will or no.

3. By this means he hath depriv'd those that Confederate against him, of all the panish Harbours, which is another great Advantage towards his being possess'd of the Dominion of the *Mediterranean*, and makes him at the same time the sole, or at least the greatest Proprietor of the *Straits* and *Levant* Trade; which hath been very profitable to *England* and *Holland*.

4. By this means he not only secures himself against a War with the Spaniards, it engages them to be his Allies (if not Subjects) in any future Wars; for now experience has convinc'd us, that the Government of *Spain* is in the hands of *France*, 'twas rationally alledg'd it would be: By this it appears how ill founded the opinion of those Gentlemen was, that endeavour'd to hush our Alarms upon that

surprizing Event, by telling us that the Spaniards would never endure it, and that the Duke of *Anjou* would become as much a Spaniard, as were the former Princes of the House of *Austria*.

5. By this means he hath frightened the King of *Portugal* into an Alliance with himself and *Spain*, for fear of losing his Crown and Dignity: So that if a timely stop be not put to his Progress, he will not only totally secure himself on that side of *Europe*, but will ingage the *Spaniards* and *Portuguese* in his Interests and Quarrels, and make himself unattackable in those Parts by Sea and Land.

6. By his possessing himself of the Crown of *Spain*, he has found means to fix the Duke of *Savoy* in his Interests, by making his second Daughter Queen of *Spain*. This Step is so much the more considerable, because, 1. It secures the King of *France* on that side against the most expensive War he could be engag'd in, and against which he is the worst provided, for his Country lies more open and unguarded in those Parts than any where else. 2. It gives him a free Passage into *Italy* by Land, while the Emperor must be oblig'd for the same to other Potentates that are not under the like Obligations to allow it him. 3. It secures him the Assistance of one of the greatest Princes in *Italy*, who is thereby made so much the more considerable that his Dominions lie contiguous to the *Milanese*, which belonging to his Son-in-Law the King of *Spain*, must needs advance an amicable Correspondence betwixt that Prince and the Dutchy of *Milan*, which he must now look upon as the Inheritance of his own Posterity.

Becomes
Master of
Naples,
&c.

7. By this means the French King becomes Master of the Kingdoms of *Naples*, *Sicily*, and *Sardinia*, which is a very great Point gain'd. 1. Because it incloses the rest of *Italy*, and by consequence over-aws the other Princes and States of that Country, and obliges them to be very observing and careful in their Measures; for they know they are within the Paws of the Lion, who can tear them to pieces at his Pleasure. The Effects of this are very discernable already, by the Compliance of the Pope and *Genoese*. The latter have granted him Harbours for his Shipping, and Passage for his Troops; and have likewise agreed to lend him Money. They know by fatal Experience, that he can easily pick Quarrels with them, and make them redeem themselves from a Bombardment by opening their Purse, which would sink both Principal and Interest, and look with a much worse Grace than a Loan tho extorted, because now they can have Paper Security, which at some time or other they may find a way to make Valid by themselves or Allies. As to the Pope, it is evident from his Compliance in owning the King of *Spain's* Title to the Kingdom of *Naples*, tho he hath not yet granted him the Investiture, that he dreads the Power of *France*. What fatal Influence the French King's having the Pope at his Devotion, will have on the Affairs of *Europe*, may be readily conceiv'd by those who consider the Authority of the See of *Rome* over all those of the Popish Persuasion. This is no less than an actual investing of the Crown of *France* both with the Temporal and Spiritual Sword; for henceforward if *Lewis XIV.* be suffer'd to go on, we must look upon the Pope to be no other than first Chaplain of State to the French King, for he will take upon him to dispose of the Pontifical Chair to his own Creatures, without a possibility of Controul. What mighty Influence may this have on *Christendom*, when *Lewis XIV.* and his Successors shall not only have the good Things of this World, but likewise those of the other to confer upon their Friends and Adherents? By this means they shall not only become Absolute on Earth, but share the very Empire of Heaven; for nothing less is ascrib'd to the Keys of *St. Peter* by the Canon Law, and blind superstitious Popelings. If this be the Case, we may expect in a few Years to have all those call'd *Roman Catholics*, undertake a Croisado against the Opposers of *France*, as an infallible Means to obtain a free Pass to Heaven, without being oblig'd to call at Purgatory by the way.

Thereby en-
abled to
assist the
Turk.

There is still another considerable Advantage accruing to the French King, by being Master of the Spanish Dominions in *Italy*, which is that he becomes thereby enabled more effectually to assist his antient Allie the *Turk* to ruin the German Empire. All the Spanish Harbours of *Italy* are now at his Command, from whence by a short Transport and easy Marches, he may invade the Emperor's Dominions in *Croatia* and *Hungary*, which he could not do before; and besides, by being posses'd of the Dutchy of *Milan*, he has an opportunity of invading the Empire on that side, by the way of *Trent* and *Tirol*: so that in a small compass of Years, he may attempt the Execution of his Project to divide the World betwixt himself and the Grand Senior, which was represented to us some Years before the Peace, by the

French

French King and the Grand Senior's having the Globe plac'd betwixt them, which they were cutting asunder with a Saw.

We come next to consider the Advantages which accrue to the French King on this side of *Europe*, by his Seizure of the Crown of *Spain*, which are,

His Advantages on this side Europe by the seizure of the Spanish Crown.

1. His being Master of the *Spanish Netherlands*, in which I include the Dutchy of *Luxemburg*. This is a thing of such vast Consequence, that the mischievous Effects of it are like to be sooner felt than conceiv'd: that he would possess himself of that Country was easy to be foreseen, and the Consequences of it have been frequently inculcated; the Effects that it hath already produc'd are these that follow.

(1.) The obliging the Dutch to evacuate the Garisons which they had in that Country, as a Security for the Money they advanced to the King of *Spain* during the late War; and by this they are hector'd at once both out of their Money and Defence.

(2.) This oblig'd the Dutch to own the Duke of *Anjou* as King of *Spain*, that they might recover their Troops, which the French would otherwise have detain'd; and that they might have time to secure their Frontiers, and strengthen themselves by Alliances.

(3.) This hath given the French King an opportunity of building new Forts, and of casting up new Lines almost under the Cannon of the Dutch Garisons, by which he hath shut them up within their own Country, depriv'd them of their natural Barrier, and put a Curb in their Jaws which they cannot easily get rid of.

(4.) This hath oblig'd them to be at an insupportable Expence of raising a mighty Army of their own and Foreign Troops, to equip a great Fleet, and to purchase Foreign Alliances; and yet all this is not enough, but they have likewise been forc'd to lay a great part of their Country under Water to prevent the Incursions of the French.

(5.) This hath oblig'd us in *England* to be at the Trouble and Expence of sending over 10000 Men, and Equipping a Squadron to assist the Dutch, according to the Treaty of 1677. and it enables the French King more than ever to dispute the Sovereignty of the narrow Seas with us.

(6.) For any thing that can be discern'd to the contrary, the French King's seizing of *Flanders*, which hath always been look'd upon to be a natural Barrier to us, as well as to the States, must in all probability have had some influence upon our owning the Duke of *Anjou* as King of *Spain*, notwithstanding any Reasons which from our Honour and Interest might have been alledg'd against it.

(7.) It is not to be doubted, but the French King's seizing *Flanders*, did very much animate the Enemies of the Government, to those well known Insolences they were guilty of, against all those of the Revolution Principles, whom they run down in such a manner, as 'twas easy to be discern'd, that 'twas the Party they aim'd at, and not the Punishment of Faults, which had they been prov'd ought indeed to have been severely censur'd.

(8.) The French King by being Master of the *Spanish Netherlands*, is possess'd of a Country, which is known by Experience to be the most capable of bearing the Burden of vast Armies of any in *Europe*, and abounds most with great and fortify'd Towns of any Country of its extent in *Christendom*. As this is a great Advantage to him, it's as great a Loss to us, and the States, who are not only depriv'd of that strong and plentiful Country as a Barrier, and secure Place of Retreat upon any Disaster in the Field, but it serves for the same Purposes to our most formidable Enemy.

(9.) It follows naturally from what has been already said, that by this means the French are rendred more capable than ever of invading *England* and *Holland*, and of disturbing the Trade of both Countrys; and that on the other hand, they are more secure than ever from being invaded by either of us, *Flanders* which was formerly our Barrier, being now become theirs; as has been already mention'd.

(10.) By his seizure of the *Netherlands*, he hath had an opportunity to buy off two Electors of the Empire, *Bavaria* and *Cologne*; and it has enabled him with more ease than formerly, to invade the Dominions of four other Electors, viz. *Brandenburg*, *Palatine*, *Treves* and *Mentz*. By this means he hath open'd his way into the Bowels of the Empire, and put himself in a better condition to support those Princes who oppose the Ninth Electorate, and are for a Neutrality, &c. &c.

By his seizing the Netherlands he has bought off two Electors.

These are the visible and undeniable Effects of his being possess'd of the *Spanish Netherlands*.

His Advan-
tages by
having the
Electors of
Cologne,

In the next place, let us consider a little more particularly the Advantages which that Monarch reaps, by having the Electors of *Cologne* and *Bavaria* in his Interests. By the former he has an opportunity, on pretence of assisting him against his Chapters of *Liege* and *Cologne* (for that treacherous, ungrateful, and ambitious Prelate hath pick'd Quarrels with both of them on purpose) to enter into their Countries. Those of *Liege* are not able to make any Resistance of themselves; and by being Master of that City and Principality, he blocks up *Mastricht* on one side, opens his way into Dutch *Brabant*, *Limburg* and *Gelderland*, and likewise into the Dutchies of *Cleves* and *Juliers*; and by fortifying *Liege* and *Limburg* makes to himself a strong Barrier on that side, by which he may lay *Aix la Chapelle*, and the Dutchy of *Juliers* and *Cleves* under Contribution. In the next place, by having the Elector of *Cologne* in his Interests, he secures to himself the Garisons of *Bon*, *Keyserswart*, and *Rhinberg*, which that Elector is now possess'd of; by which he blocks up the City of *Cologne* on both sides, in a manner shuts up the Elector *Palatine* in his Capital of *Dusseldorp*, may easily deprive him of his City and Dutchy of *Juliers*, and the Elector of *Brandenburg* of his Capital of *Cleves*, and all that part of the Dutchy on the West side of the *Rhine*; and in a word, not only obstructs the Commerce of that River, which is so necessary and advantageous to *Germany* and *Holland*, but from *Bon* may open his Passage into the very Heart of the Empire, which on that side is but ill guarded by Fortresses or strong Towns; and from *Rhinberg* he may fall in thro the other side of the Dutchy of *Cleves*, upon the back of the *United Provinces*, ravage the County of *Zutphen* and Lordship of *Overyssel*: or if he think fit to attack the City of *Cologne*, by being Master of *Bon*, *Keyserswart* and *Rhinberg*, he prevents its having any Relief by Water; and that City being of a very large Extent, cannot be defended without a great Army and vast Expence. In the last place, by having the Elector of *Cologne* in his Interest, he assures himself of his Suffrage in the Diet, and deprives the Emperor of it, as has already appear'd in the Cases of the Dukes of *Mantua* and *Savoy*, and of those of the Neutrality and 9th Electorate. This every one knows is of great Consequence, since by this means that Elector has an opportunity of retarding the Emperor's Affairs, of favouring the French King's Interest under hand, and of imbroiling those of the Empire. The Importance of this cannot be better understood, than by considering what a few ill Men in all Reigns have been capable to do in our own Parliaments, and how much their palpable opposition to the true Interest of the Nation, or their undermining it secretly by specious Pretences, have contributed towards an Entailment of Slavery upon us and our Posterity.

And the E-
lector of
Bavaria in
his Interest.

In the next place, the Advantage accruing to the French King, by having the Elector of *Bavaria* in his Interests, is so great, that it is not at first to be easily seen or conceiv'd. But this is plain, that he is one of the greatest Princes of the Empire, that he is capable of leading an Army, and of raising a considerable Force of his own; that the situation of his Dominions is such as enables him to invade the Paternal Inheritance of the House of *Austria* on the one side, and to give Disturbance to the Circles of *Franconia*, *Swabia*, and the *Upper Rhine* on the other; that he is capable of depriving the Emperor of one Suffrage in the Diet, and of giving the King of *France* another; and that by the *Palatinate* of *Bavaria* on the North, and by the Dutchy and Electorate of *Bavaria* on the South, it is in his Power to block up the Diet of the Empire at *Ratisbone*, or oblige them to remove at his Pleasure. He gave us a proof very lately of what he is capable to do in this Matter, by his entertaining the Deputy of the Circle of *Burgundy*, at a House of his just opposite to *Ratisbone*, when that Deputy was order'd to quit the Diet, and the Dominions of the Empire; and by his numerous Army, and great Sums of French Gold, which he receives not under the disgraceful name of a Bribe, but under the specious pretence of being Governor of the *Spanish Netherlands*, he seems capable of opening the French King's Passage to the *Danube*, that he may meet his most dear and natural Allie the Grand Senior before the Walls of *Vienna*.

The seizure
of the Ne-
therlands
of great
Consequence
to England.

These are a few of the many obvious and pernicious Consequences of the French King's seizing the *Spanish Netherlands*; which is enough to strike us with Amazement, that *England* was not more sensible of this in the Close of 1700. and in the beginning of 1701. when the House of Commons was so sensible of our Danger from the French King's taking only a few Towns in the *Spanish Netherlands*

in 1677, that they zealously Address'd his Majesty, To enter into a League Offensive and Defensive with the States General of the United Provinces, against the Power of the French King, and for the Preservation of the Spanish Netherlands, and to make such other Alliances with other such of the Confederates as his Majesty should think fit and useful for that End. The Reasons of this Address are express'd in a former, presented on March 6th that Year, viz. That in the Preservation and Security of the Netherlands, the Interest of his Majesty, and the Safety of his People were highly concern'd: and his Majesty in his Answer own'd, That the Preservation of Flanders was of great Importance to England. This being duly consider'd, we may readily conclude, that that Parliament would neither have allow'd an indifferency in the Throne, nor have admitted delays among themselves, had the King of Spain been then dead, and the French King actually seiz'd, not only of the Netherlands, but of the whole Spanish Monarchy. Then since it is certainly more the Interest of England now than it could have been then, to oppose the French with Vigor, we have but too just Reason to apprehend, that the Influence of that same Party, which then advis'd King Charles II. to frustrate the Desires of his People, and to toss the Parliament from one Adjournment to another, while the French King strengthen'd himself in his new Conquests, hath had no small hand in the faintness of the Opposition which we have lately made to that Monarch, tho now arriv'd to a pitch of Power and Grandeur, infinitely above what at that time did so much alarm the Nation. There's still another considerable Advantage that the French King has by seizing the Spanish Dominions, which is, that it entitles him to the United Provinces, and the Kingdom of Portugal, and their respective Conquests in the East and West-Indies; and there's no doubt, he will lay Claim to them, as soon as he finds that the Posture of his Affairs will bear it.

Having thus taken a brief View of the Advantages accruing to the French King, by his seizure of the Spanish Dominions in Europe, let us inquire a little into those Advantages that do naturally arise to him from his being possess'd of their Dominions in America, which may be consider'd as follows.

1. By this means he is possess'd of most of the Fountains of Gold and Silver, or at least of the most considerable Fountains of those Minerals, that are yet known in the World. This is that bottomless and inexhaustible Treasure, with which the lofty Spaniard outbrav'd the Politick Venetian, when he shew'd him the vast Sums of Money which the Senate had in store, in order to deter the Spaniards from a War upon the Republick: *This Treasure is, great indeed, said the Spaniard, but it has a bottom, whereas my Master's has none.* Then since it is evident that Men and Money are the Sinews of War, and that he who has Money will never want Men; it naturally follows, that if the French King be suffer'd to continue in possession of the Spanish West-Indies, he will be thereby enabl'd to carry on a War with great probability of Success against the rest of Europe. The French King is every whit as well vers'd in the art of Bribery, as in the art of Fighting: and since it is too plain from Experience, that most of his Neighbouring Princes are less capable of resisting his Bribes, than of finding Armour of proof for his Bullets; what is it, that Europe has not to fear from the Mines of Peru and Potosi in the Management of France?

His Advantages by being possess'd of the Spanish Dominions in America. He is thereby possess'd of the Fountain of Money.

2. By this means he is possess'd of the Advantage of depriving England, Holland, and other Nations, of all Trade to the Spanish West-Indies, and of engrossing it to himself and his own Subjects. This was foreseen in the Duke of Anjou's Succession consider'd, Part the second; and accordingly he hath already commenc'd it, by an Agreement to ingross the Slave Trade betwixt himself and the King of Spain, and the French Company of Senegal. The Consequences of this to England were pointed at in the same Tract, and are obvious to any Man that will allow himself the Freedom of Thought, viz. That it will ruin the best part of our Jamaica Trade, prevent our having Bullion from the West-Indies, by means of our own Plantations, or the Spanish Galleons; and by Consequence, disable us from carrying on our East-India Trade, without melting down or exporting our own Coin. And of what mischievous Consequence that may be to the Nation, will sooner be felt than prevented.

And able to deprive England, &c. of the West India Trade.

It is needless to multiply Words, or to insist on many Particulars; for there's no Man who is not resolv'd to do Violence to Sense and Reason, but must own, that we shall lose our whole Plantations in *America*, and have all our Countrymen in those Parts, Butcher'd, Banish'd, or made Slaves, if the *French King* be suffer'd to go on as he has begun.

Let so much suffice, for a brief View of the *French King's* Power. The next thing to be consider'd is, the Condition of those who are or should be in opposition to him.

Emperor's
condition to
oppose Fra.

We shall begin with the Emperor, as to whom it may justly be said, 1. That tho his Cause be good, his Ability to maintain it is but small. 2. That he has the Misfortune to be too much govern'd by Priests, and particularly by Jesuits, who are the bane of Humane Society, undermine and betray all that trust them, and are generally in the Interests of *France*, because *Lewis XIV.* has been more Zealous and Successful in destroying the Reformation, than any other Prince of his time. 3. That, as the natural Result of Bigotry and Arbitrary Power, the Emperor's Subjects in *Hungary* and *Transylvania*, are so much disoblig'd by the unnatural and barbarous Persecution they have undergone, that they can have no intire Confidence in a Prince, whose Conscience is directed by their sworn Enemies, a Set of Men that will be contented with nothing less than the absolute Ruin of all Protestants: and therefore, the Emperor's Subjects of that Religion are in a great measure made useless to him, and forc'd to throw themselves from time to time upon the Protection of the *Ottoman* Family, who allow them the Freedom of their Religion, and therefore frequently prevail upon them, to join in their Wars against the House of *Austria*. 4. That as Emperor, his Interest is much sunk in the Empire, partly upon the account of some Incroachments complain'd of by several Electors and Princes upon their Civil Rights, partly upon the account of the barbarous Persecution of the Elector *Palatine* and others against the Protestants of the Empire, which have been frequently complain'd of to his Imperial Majesty, but never as yet redress'd; and partly by the Intrigues and Bribery of the *French King*, who hath thereby, as mention'd already, form'd a very strong Party against him in the Empire. 5. It is very well known, that his Imperial Majesty hath no Naval Force, and that the Dominions of *Spain* can never be reduc'd under the Scepter of his Family without one. 6. That his Treasure is very much exhausted by the late War against *France* and the *Turk*. 7. That the Empire is in continual Danger of being imbroil'd in its Northern Parts, by the War betwixt the Kings of *Sweden* and *Poland*. 8. That three of the Electors of the Empire, and several of its other Princes, being Popish Ecclesiasticks, can hardly be suppos'd ever to join cordially with him in a War, for the Success of which he must chiefly rely upon Protestant Assistance. 9. That many of the Princes of the Empire, and particularly those that lie nearest the *French*, are but Poor and Weak, and by consequence, liable to be Hector'd or brib'd into the Interest of *France*. 10. That the Emperor hath been hitherto very unhappy in the Management of his Alliances with *England* and *Holland*, who being disoblig'd by the intemperate Zeal of the Court of *Vienna* against the Reformation, at the late Treaty of *Reswick*, or otherwise prevail'd upon, God knows how, became engag'd in a first and second Partition against the Honour and Interest of his Family.

United
Provinces
not capable
to oppose
the Growth
of France.

We shall in the next place take a View of the United Provinces in our way homeward; concerning whom we may observe, 1. That being a Country that subsists chiefly by Trade, to which War is certainly ruinous, we are not to wonder if the Trading part of that Country be very averse to it, and by Consequence, obstruct such Resolves as tend to carry it on. 2. That being a People who are very jealous of their Liberty, and knowing that popular Generals at the Head of numerous Armies, do always endanger the Peoples Freedom, it follows naturally, that they should be careful to avoid a War, which gives their Captain Generals such an opportunity, especially considering the Risk that they have run, of being ruin'd that way oftner than once. 3. That upon this very Head they are divided into Factions, which we may well enough call Republicans and Royalists: for the Souldiery and others, who depend upon the Stadtholder, are for allowing him little, if any thing less

less than a Regal Power, and the rest are constantly for lessening his Authority; which hath had the same pernicious Effects among them in proportion, that the Struggles betwixt Prerogative and Property have had among us. 4. That their Constitution is none of the Happiest, for being seven distinct Sovereignities, and not to be concluded by the Majority, it renders them the more liable to be practis'd upon, in order to be divided. 5. That they have a considerable Number of Papists among them, who are always Enemies to a Protestant Government, and are taught by their Priests to sacrifice the Interest of their Country to that of their Church, of which the King of France is now the professed Champion. 6. That being under the same Politick Head with us, they are liable to the Influence of the same destructive Delays or other Impediments, which any ill Party in this Nation is capable of laying in the way of our Councils or Actions. 7. That they are much exhausted, and burden'd with Debt by the late War, and their People uneasy upon that Account as well as we.

In the next place, let us take a View of our own Condition at home; as to which, it is evident, that we abound with sharp and shameful Divisions, that have a very melancholy Aspect, and such indeed as may make us justly apprehend the Verification of that in our particular Case, which our Saviour said of all such in general, that a Kingdom divided against it self cannot stand. What Native of these Kingdoms can without Grief consider, that the three Nations which make up the British Empire, are by an unhappy Management brought to a Disunion among themselves, as to Interest and Affection?

What Englishman is able to command his Passion, who considers the present State of his Country? A Nation divided in the Constituent Parts of its Government, can admit of no Harmony amongst its Subjects, but from the King on the Throne to the Beggar on the Dunghill, every Individual must suffer more or less by such a Division: yet such is our Misfortune, that we are divided in our Parliaments, divided in our Councils, and this Division runs thro' all the Counties, Cities, Corporations and Societys in the Kingdom, and creates and nourishes unnatural Heats, Jars, and Animosities among People of all Ranks. Is it not strange that such a wise and mighty Nation, who have from time to time so gloriously asserted their Liberties against Foreign and Domestic Usurpations, and have had their *Magna Charta* confirm'd oftner than once, with a Solemnity inferior to nothing, that ever was transacted upon Earth, but the Promulgation of the Divine Law from Mount Sinai; Is it not strange, I say, that such a Nation should not yet know the true Boundaries betwixt Prerogative and Property, but that we should be as ready to cut one anothers Throats, and fall to sides under the foolish Names of Whig and Tory, as the *Italians* were formerly under the like pernicious Distinction of *Guelphs* and *Gibelines*? and as if that Division were not enough, each Branch of it admits of Subdivisions, State Whigs and Church Whigs, State Tories and Church Tories, K. William's Tories and K. James's Tories, Court Whigs and Country Whigs. There's another Denomination very common among us, which carries the most plausible and generous Aspect of all the rest, and that's an *Englishman*; but then it necessarily implies, that there's a Party among us, who are not thought worthy of that Character. We have yet Badges of Division of a more modern Impression, and that is Old-Company Men and New-Company Men, Old-Ministry Men and New-Ministry Men, and under-Spur Leathers to both. And as if our Hydra had not yet Heads enough, there's new ones still a springing up, there's Addressers and Non-Addressers: and as if we were condemn'd to a Superfation of Divisions in infinitum, no sooner does a new Division spring up, but straight there arises another almost coevous with it self; for we scarce heard of Addressers and Non-Addressers, but we heard as soon of those who addressed for the continuance of the late Parliament, and these were call'd Church of England Addressers, and of others who addressed for calling a new one, and these tho never so good Churchmen were branded as Fanaticks. Some promise to defend the Succession as establish'd in the Protestant Line, and the Church by Law establish'd, and some address without any mention either of Church or Succession; some in their Addresses reflect upon the old Ministry, and applaud the Proceedings of the Commons against them, and others in their Addresses inveigh as sharply against the new Ministry, as is obvious to any Man that reads them; so that we are divided in our very Prayers to God and to the King. Some address against the French King, and the pretended Prince of Wales,

Wales, in such a manner as bespeaks their being truly Cordial and Sincere in what they say; and some mention those two Persons in their Addresses like a toothless Ass mumbling Thistles, or like a Patient swallowing a Potion of Physick, so much against their Stomach, as infallibly prognosticates that they will vomit it up again. Some talk of a War as if their Swords were already brandish'd, and their Taxes paid into the Treasury; and others talk of it in such a manner, as sufficiently declares their Aversion to contribute any thing towards it by Purse or Person. Some are for assisting our Allies with Foreign Troops hir'd with our Money; some are for troubling our selves with no Alliances at all, but think we are able to defend our selves with our Fleet, and let the rest of *Europe* take its Fate. Some are for a Standing Force, and some are for none at all; some are for having all the People of *England* exercis'd in Arms, because they reckon that they will not readily be false to themselves, and alledg for this the antient Practice of the Nation, and the present Practice of our Plantations in the *West-Indies*, by which they have defended themselves against the common Enemy without a Standing Force; but others are against this, because they think it would be dangerous to the Prerogative, as if that and the Peoples Interest should ever thwart one another. Some are for preserving the Peace of *Europe*, in such a Sense as they would have the French King remain undisturb'd in all his Usurpations; and some are for a War, in order to procure a more solid and lasting Peace; some are for the Lords, and others for the Commons, and some think there were Faults on both sides, and are for striking a Medium; some are for a Monarchy, and others for a Commonwealth; and they again crumble into Subdivisions. Of the Royalists, some are for a limited, and others for an absolute Monarchy; and amongst the Republicans, some are for an Aristocracy, others for a Democracy; and they are not agreed among themselves, whether *Holland*, *Venice*, *Switzerland*, or *Harrington's Oceana* shall be the Model. Nay, our very Jacobites are divided among themselves, as appears by the E. of *Melfort's* late Letter; some were for having the late King brought in by French Arms (and no doubt it is the same with his pretended Son) and others were for having it effected with the Consent of the People. Some of them again are for his giving Liberty of Conscience, and others against it; some of them are for a separate Church of *England*, under the Ghostly Conduct of the Nonjurant Bishops and Clergy; others are for complying with the present Church as well as with the present Government, which they own to be such *de facto*, tho not *de jure*.

And as to
Religion.

Then if we take a view of the State of the Nation as to Religion, we are divided into Protestants and Papists; and the latter, as appears by an ingenious and particular Account of it, printed about two Years ago, are more numerous and insolent at present, than they have been perhaps since the beginning of King *Charles* the First's Reign, when his French Popish Queen shar'd his Throne as well as his Bed. As to the Subdivisions among the Papists, it signifies little to our Subject to take any notice of them: for tho some of them are so moderate as to think they ought to live quietly under any Government, that secures them in their Property; yet our English Papists being generally Perverts, and by consequence declar'd Traitors to the English Constitution, it follows naturally that they must be Enemies to a Government, which considers them no otherwise than as Criminal Subjects.

Protestants
how divid-
ed among
themselves.

But to return to the Protestants. They are divided into Churchmen and Dissenters, and each of these have their Subdivisions: There's King *William's* Churchmen and King *James's* Churchmen, as already mention'd. There's High Churchmen and Moderate Churchmen; the former think Episcopacy of Divine Right, and some of them fly so high, as to say, There's no Salvation without it; the latter think that Episcopacy and Ceremonies are only the Product of Ecclesiastical Prudence and Order, and derive their Chief Authority from the Statute Book: the former are for bringing all Men to a strict Uniformity by Penal Laws, the latter are for indulging their fellow Christians, and against a coercive Power in Matters religious. Some of them again are Arminians, and others Calvinists, and a third sort of the middle way. Some of them are for Passive Obedience in the Sense it was taught in the late Reigns; some of them are for reconciling that Doctrine with the Principles of the Revolution: some of them are for signing the Articles of the Church as Terms of Peace; others are for subscribing them as the Confession of their own Faith, and the principal Terms of Communion with the Church; some of them are for the Morality of the Sabbath, and others against it,

it, and for a Book of Sports : and of late we have a new Division started among them, pursued with Acrimony and Heat enough, about the Power of the upper and lower Houses of Convocation.

Then as to the Dissenters, they are subdivided into Presbyterians, Independants, Quakers and others ; and each of these have their Subdivisions : And as all of them are against the Establish'd Church, the Church is likewise against all of them. This weakens our Mutual Confidence in one another, creates Animosities and Jealousies, and makes us far less considerable than otherwise we should be. However, it's our great Happiness that much of the Poison and Malignity of those multiply'd Divisions is taken away since the Revolution, by the laying aside the Penal Laws. Persecution always increases Rancour, and heightens Religious Divisions, and therefore is never practis'd but in such Governments where Tyranny is design'd ; and indeed most of those Differences among Ecclesiasticks have been from time to time fomented by Arbitrary Princes, that they might divide their Subjects in order to set up an Arbitrary Sway : thus they make their Protection necessary to all Parties, and grant it to such of them by turns as they find most for their Interest. It follows then by necessary Consequence, that the best way to remove those Divisions, is to allow none of the contending Parties any Power over another : and that since Ecclesiasticks are generally too narrow-soul'd to enlarge their Terms of Communion, the State should do it for them, and not suffer one part of their Subjects to tear to pieces, and to anathematize another that differs from them in such things as cannot be found plainly express'd in the Text, or naturally deducible from it. It's therefore the Interest of the State to reduce all that is to be injoin'd for Faith and Practice, to the Standard of Revelation, without allowing any humane Impositions for Terms of Communion ; and in such things as they differ from one another, they ought to be oblig'd to a Mutual Forbearance. This is the Apostle's Rule for the Christian Church ; and when Ecclesiasticks come to such a Temper of their own accord, or by the Care and Conduct of the Civil Magistrate, then and not till then, are we to expect the return of Primitive Simplicity and true Catholick Christianity, which will make the Lion lie down with the Lamb, and prevent Religion's being made a Firebrand to Civil Contentions, or a Stalking-Horse for Ambitious Princes to cover their Arbitrary Designs.

Which Divisions weaken our mutual Confidence in one another.

So far we have taken a View of the black side of the Cloud, and would to God we had any just Ground to apprehend that our Sky begins to clear ! Of all the threatening and dangerous Symptoms that are visible upon us, our Parliamentary Divisions look with the most fatal Aspect ; when the Head and Intellectuals come once to be affected, 'tis certain the Distemper is risen to a dangerous height, and that a Crisis is hastening upon us, which will either cure or kill. It's hop'd that by the late Recess and Dissolution, the Causes of former Differences are so much forgotten, as to be no more remembred, or at least so as to be laid aside till a more convenient time. We are like to be attack'd by a common Enemy, whose Power grows more formidable every day ; let us then have so much common prudence as to lay aside our Intestine Quarrels, till we be deliver'd from our Foreign Adversary. I remember to have read a remarkable Passage in our own History, that during an Inundation or Land-Flood in *Somersetshire*, as I take it, several Beasts of Prey, and such others as they naturally prey upon and hunt after, were forc'd to take Sanctuary together in a rising Ground ; and their common Danger did so much abate their natural Enmity, that they herded together very peaceably. Nothing but a Judicial Insatiation can hinder Englishmen at such a Juncture as this, from having less Wisdom and Conduct than those English Brutes. It's hop'd that our contending Parties are neither of them so fond of Popery and Slavery, as to give the French King an opportunity to entail them upon us while they pursue their Animosities one against another. We ought to consider well, whether those Differences be not fomented among us by his means. The Town hath been sufficiently stunn'd with the noise of a Meeting betwixt some Gentlemen, and one of his Agents ; and the French Leuidores have clink'd so loud as to be heard thro all *England*. Therefore it concerns us to beware of Heats at home, lest they should bring Fire and Sword upon us from abroad. We have greater concerns now to mind, than whether the Whigs or Tories shall be uppermost in Court or Parliament ; nor is it any way proper for us to listen to those Party alarms, that are sounded so high by virulent Pamphlets on both sides. If the Decision of the Controversy be referred to the Nation, it's ten to one but they

Parliamentary Divisions most fatal to us.

will determine that they have been injur'd by both, and that the Leaders of the several Factions have minded their own Credit and Profit more than they have donè the Honour and Interest of their Country. It's all one to the good People of *England*, if their Blood and Treasure be lavishly spent, and their Liberty and Property be undermin'd, whether it be done by a Whig or Tory; they have both appeal'd to the Publick by their Writings; and the Publick is apt to think they are both to blame: and if the Janglings be further continu'd to the neglect of the Publick Affairs of the Nation and its Allies, the People will readily be inclin'd to think both of them Criminal.

It's hop'd that the general Dissatisfaction which appear'd in the Kingdom at the late unseasonable Heats, and extravagant Height they arriv'd to, may have cool'd some of those Firebands of Contention, which were unhappily thrown in among us.

The Consequence of these Quarrels.

The contending Partys may rest satisfy'd, that the chief Fruits they are to expect from their mutual Quarrels, will be their blackning one another so, as to make both of them odious to the World: when the one falls foul upon the Treaty of Partition, as a Breach of the Grand Alliance, the other replies, that supposing it to be as black as they would have it, they can never make it so culpable as suffering the French King to go away with the Whole, and owning the Duke of *Anjou* in his Usurpation. If the one throw Dirt upon the Modern Whigs, the other is as zealous to bespatter the old Tories: if the one be charg'd with raising to themselves prodigious Estates, with procuring unlawful Grants, and with concurring to keep up a Standing Army; there are who will tell you, that the Charge is false, or at least aggravated to the utmost Extent; and that supposing it to be true, the other Party is guilty of all these things in the late Reigns, to much worse Purposes; for these Estates and these Troops were design'd for no other End, but to support our present Constitution; whereas those Estates, those Grants, and those Troops were design'd for the utter Subversion of our Religion and Liberty. It were endless, and to no purpose, to go thro all the Particulars of the Charge, which the Parties have brought against one another, nor can it have any other Effect but to augment the Flame of Contention, which burns too fiercely already to need any additional Fuel.

How both Partys may shew themselves good Patriots.

The Nation stands in need of Cordials, and not of Corroliives; and the only way for both Parties to shew themselves good Patriots, and to recover their Credit with the People, is for the one Party to demonstrate by their future Behaviour, that they are still the Men they formerly profess'd to be, and for the other to demonstrate in like manner, that they are not the Men they were formerly known to be: and thus far we may make bold to say, that the Nation will scarcely look upon the latter's pursuing of Party-Quarrels with so much Partiality, and their creating of Delays in such Measures as ought to be taken against the Common Enemy, to be true Marks of a sincere Conversion, no more than they will look upon the Treaty of Partition, Grants, Bribes, Pensions, Standing Armies, &c. charg'd upon the former, to be Marks of a steady Perseverance. It's Things, and not Men and Parties that we must now have our Eye upon: We ought to be seeking for Expedients of Union, and not to spend our time in raking into the past Faults of Persons and Parties, which can have no other Issue but to heighten our Divisions: We ought to know nothing of Faction in such a Juncture as this, when our Endeavours should be united against the common Enemy; but if nothing less will serve those that seem now to be most intent upon the Design of setting up one Party, and throwing down another, than an absolute Conquest over the Persons and Reputations of those they account their Adversaries, it may be easily foreseen, without a Spirit of Prophecy, that the Party attackt will make a vigorous Defence; and if no other Weapons but those of Recrimination will do, it may readily be foretold which of the Parties will look with the blackest Aspect at long run. There have been and still may be ill Men on both sides; but when the Degrees and Nature of the Crimes, and the direct Influence which the respective Principles of the contending Parties may have upon the Faults that both of them are charg'd with, come to be examin'd and compar'd, 'tis no hard matter to guess on which side the Ballance will turn, and which of the Parties will appear to be most naturally adapted to preserve or destroy the English Constitution. It will therefore be the Wisdom of the Pursuers, not to be too eager in the Chase; it has been many times known, that a too fierce Assailant hath lost his Life, by venturing too boldly upon the Point of a retiring Defendant: And those that are for the true Interest of *England*, who it's hop'd are by far the most numerous Party,

when

when they see the contending Parties so much taken up in the Defence of their own Interest and Credit, as to neglect those of the Nation, they may be oblig'd to take such Measures as to out them both.

We read of many Prodigies that went before the Destruction of *Jerusalem*; most of them fill'd the Minds of the Spectators with the Expectation of some terrible Event, but none of them did so naturally prognosticate the Ruin of that City, as their irreconcilable Factions among themselves, when they were all attack'd by the common Enemy. Our Case is much the same, we have a formidable Enemy without, yet are full of Factions within; and the nearer the Enemy approaches, the more fierce is our Party War. If we continue in this Disposition, it's easy to foresee the Event.

By this means we must of necessity either be overrun by the Power of the *French* King, or become a Prey to our own Government, whenever we have the Misfortune to fall under the Conduct of an Ambitious and Aspiring Prince.

It's the natural Genius and Constitution of all such Monarchs to foment Differences on purpose, and to play one Party against another, till they make both of them their Slaves and Vassals, as the *French* Kings have for many Years done by their miserable Subjects: and therefore it's the height of Folly and Madness for the People of *England*, to suffer themselves to be any further practis'd upon by such unnatural and unreasonable Divisions.

There is this which is something odd in our Case, and perhaps renders the Cure more difficult. The contending Parties do both of them profess a Cordial Affection to his Majesty's Person, and a mighty Zeal for the *English* Constitution, and yet are divided into Whigs and Tories; and under these Denominations, keep up an unnatural Ferment in the Kingdom, so that whatever is propos'd or favour'd by the one, is generally oppos'd and suspected by the other, tho' ever so good or rational in itself. Thus we have seen Tories in this Reign, contrary to their old Principles, act as Whigs, and Whigs in the same manner act like Tories. The Reason is obvious. The Tories by their Principles were Enemies to the Revolution, and therefore being afraid of the present Government, were oblig'd to make use of the Whiggish Principle to lay it under Restraints, and keep it within the Bounds of Law, lest it should totally crush them; this oblig'd them in some things to act the part of good Patriots for their own Safety. On the other hand, the Whigs laying aside all Jealousy of a Government founded on a popular Basis, and willing to secure themselves against those who were of the contrary Party, have perhaps concurr'd to allow this Government a greater Liberty in some things, than they would have been willing to allow another that had been their Enemy, and so far they have been in the wrong. It can never be the Interest of a wise People to allow a good Government any more Power than they would allow a bad one, because, as *Solomon* tells us, with relation to private Inheritance, *No Man knows whether he that comes after him will be a wise Man or a Fool*. 'Tis impossible for People in an Hereditary Government to know whether the next Successor will sway according to Law, or govern in an arbitrary manner. Whoever is possess'd of the Monarchy, will grasp at all the Power that hath been allow'd their Predecessors; and let them be as bad as *Nero* or *Domitian*, they shall always find a Party in the State that will fall in with their Measures for the sake of Places or Pensions; and the Clergy that they protect in the possession of the Church, and indulge with a Liberty to persecute others, will be sure to preach them up as Sacred and Inviolable, and consecrate them with the Title of God's Vicegerent. There's no Man can call this in question who will be at the pains to cast his Eye over the Channel, and take a View of the Government of *France* for these last two hundred Years, or look back on our own late Reigns.

This Consideration alone might serve to unite our Whigs and our Tories, would they but allow themselves the use of their Reason. They have both of them felt the weight of opposite Governments; and when that was their respective Lot, they both endeavour'd to lay the Government under Restraints, and to keep the Executive Power within the Limits of the Law. This Harmony in Practice ought to unite them in Principle, and to bring them both to consider that they should not allow that against others, which they would not have done against themselves: and as the natural Result of this, they ought

both to concur in reducing our Government to the Original Standard of all Government, which is a Power to do Good, but to deprive them of all Power of being unjust to their People. And then, and not till then, will our Governors be truly the Vicegerents of God Almighty, who can do no Injustice to the Creatures that he governs. Our contending Parties have made a considerable advance towards this, in the late Act for settling the Succession; which, together with their joint owning of the present Government, unites them both in the Whiggish Principle, and destroys the very Notion of Toryism: for properly speaking, no Tory can submit to the Revolution, or agree to the Act of Succession. The Matter being so, it's the most unreasonable thing in the World, that such a Distinction should still obtain amongst those who submit to King William, or are allow'd any Share in the Administration; the Thing by that means being destroy'd, there's no Reason to keep up the Name, for there can be no Tory in the proper Sense of the Word but those who always adher'd to the late King, and do now own his pretended Son.

Tories in K.
It's time a-
bandoned
him, for fell
in with the
present Go-
vernment.

I know it is objected by some of the Whigs, that a strong Party of *de facto* Tories abandon'd the late King when they saw his Cause desperate, and fell in with the present Government; that those Men have chang'd Masters, but not Principles; and endeavour to get into the Administration, and to recommend themselves to the Government, as more fit to be employ'd for the support of the Monarchy than those of the Revolution Principles. These Men, say they, think there's a vast Difference betwixt a Government in its Infancy and Maturity; that Princes, while their Possession is disputed, or the Success of their Claim uncertain, will for their own Interest fall in with the Party most averse to the Governor in Possession, but being once settl'd, and in no fear of the outed Governor, their Interest leads them to fall in with the Party that continu'd firm to the last Government, as long as they could with Safety, because 'tis an Argument that they are Persons of most Honour, and of Principles least adapted to controul their Monarchs, and therefore more fit to be trusted than those that were for the Revolution. When once such Men can get into the Administration, and that we have the Misfortune of falling under the Government of a weak Prince, they will be for advancing the Prerogative as high as ever, in order to ascertain themselves of the Prince's Favour, and break thro' all those Limitations and Restraints which they concur'd to lay upon a Prince, whom they could not bring to fall in with their Measures, and who according to them was only a King *de facto*, which in plain English is no other than an Usurper: and therefore we have not only reason to be suspicious of those Mens Conversion, since at best we can reckon them no other than Tories at large, but we have reason likewise to be jealous of all that they do, and to oppose whatever they attempt towards laying a Restraint on the Prerogative, lest by disobliging the Government we should lose it to that side, and by that means throw our selves unavoidably into all the Calamities of the late Reigns.

Many To-
ries are re-
ally convin-
ced of their
Principles.

To this it may be answer'd, That tho' these things are justly enough suspected of some particular Men, it were great want of Charity to charge it upon the whole Party. Many of them may be actually convinc'd by what has been debated in Parliament, and written since the Revolution upon that Subject; and others may be satisfy'd from their own Observation, that such Principles as they were formerly led into, are inconsistent with the Good of the People, which is the ultimate End of all Magistracy; that for such of them as come into the Government upon Views which are contrary to the Interest of England, they ought, when they discover themselves, to be treated as Enemies to their Country: But it will by no means follow, that the best way for the Whigs to secure themselves against them, is to forsake their old Principles, and to advise or concur with one Government in any thing that may be introductive of Arbitrary Power under another.

It is evident, That the best way to be deliver'd from such an ill sort of Men as this Objection supposes, is to fall in with them in whatever they propose for the Security of the Peoples Liberty, without enquiring what Principle it flows from: For by this Means they will be render'd incapable of practising any of those things which the Objection charges them to have in design, but must be taken in their own Snare.

As to that part of the Objection which relates to the disobliging of the present Government, it's the greatest piece of Injustice that can be offer'd to his Majesty's Character and Conduct; he came to set us at Liberty at first, and by his accepting our Bill of Right then, and his agreeing to the Act of Succession now, he hath clearly manifested to the World his readiness to grant what may really tend to the Good of the Subject: so that if any thing to the contrary hath happen'd or shall happen, during his Reign, it must and ought to be charg'd to the account of such Apostate Whigs, and Temporizing Tories, as the Objection represents to us.

His Majesty came to set us at Liberty.

There's another thing in which the contending Parties seem to unite, and that is in resenting the Affront put upon his Majesty and the Nation, by the French King's owning the Pretended Prince of Wales as King of England, Scotland and Ireland; and in maintaining the Succession as establish'd by the late Act. This is a main Point, which the Nation so cordially falls in with, that if the Revolution Party be not deprived of all Judgment and Conduct, it puts them in a Capacity of rooting out Toryism for ever.

The several Parties resenting the Fr. King's owning the P. of Wales.

It has been said already, that none but Tories, properly so call'd, will own, or are in Principle and Affection for that Pretended Prince; and their number, 'tis to be hop'd, is so small, that taking in their elder Brethren the Papists to their Assistance, they are not capable of giving us much trouble. Then as to the *de falso* Men, who are and will be of this or that side, according as 'tis uppermost; this Juncture affords us the best Opportunity that can be of putting their Principles to the Trial, and of keeping such of them out of all Offices in Church and State, as will not renounce that Pretended Prince, and his Heirs and Successors for ever.

How to deal with those that are for the said Prince.

There's the same Reason for this, that there was for the Oath of Supremacy and the Sacramental Test. The Design of both these was to prevent the Influence of any Foreign Head or Jurisdiction upon this Kingdom, because 'twas known that the Papists have all of them a dependance upon the See of Rome. The Reason holds as strong in this Case, for that Pretended Prince and his Well-wishers must depend upon the Assistance, and be govern'd by the Councils of the French King, which will bring England as much under the Subjection of France, as is now the Spanish Netherlands. For that Pretended Prince, by his suppos'd Father's dying Words, by his Education, and by his Interest, must be oblig'd to follow the Dictates of the French Court. Were our Sacramental Test chang'd into a Civil one of this nature, 'twould secure the Nation against the secret Artifices of hidden enemies, and let into our Assistance those who are known to be its Cordial Friends. Many such are now hinder'd from serving it, upon the account of a far less difference than that which there must of necessity be betwixt those who are real Friends to our present Constitution, and such as are for the Pretended Prince of Wales.

The Reasonableness of it.

'Tis well enough known that the Sacramental Test was Originally design'd against the Papists, and level'd directly at their Head, the late King, when Duke of York; but by the Artifice of the Court, and the Intemperate Zeal of the Laudean Faction of the Church, was turn'd against the Dissenters. Tho' that was no strange thing then, yet 'tis really surprizing now, that under a Government founded on an English Basis, such a Badg of Servitude should be continu'd upon so numerous a body of English Protestants. This makes them look like so many Aliens, or rather like People that are Enemies to their Country, and not fit to be trusted, or not able to serve it. 'Twere certainly the Interest of England to have this Badg of Division remov'd, that she may not be continually depriv'd of the Service of so many useful Subjects, who own no dependance upon any Foreign Head or Church, and by consequence can have no other Interest but that of their Country. This would take off the Imputation from our Legislature, of prostituting that Sacred Ordinance to a Lucrative and Secular End. If we allow'd our selves freedom of thought, we should quickly be convinc'd, that as it interferes with our Saviour's prerogative of governing his Church, to injoin any other Terms of Christian Communion, than what he himself hath appointed in the Sacred Text; it does likewise interfere with God's Prerogative of governing the World, to require any other than the Moral Qualifications which he hath appointed for Men in Places of publick Trust, viz. That they be Men of Ability, fearing God, and hating Covetousness; the deviating from this Rule is the Bane of all Government. 'Tis our own fault that this hurtful and useless Distinction is now continu'd: His Majesty press'd the

Sacramental Test originally design'd against Papists.

The Interest of England to have it now removed.

the removal of it, and the Church, who promis'd, when in danger by the late King, to come to a Temper, has no reason to oppose it: the Dissenting Clergy have a great many other Fences to leap over before they can come at Ecclesiastical Benefices; and one would think it's Punishment enough, that the Dissenting Laicks are doubly tax'd to the Clergy and Poor (for it's known they must contribute to those of the Church, and wholly maintain their own) tho they be set upon an equal footing with others of the Laity, and made capable of Places of Trust and Profit as well as they. Many of that Party are generally blam'd for promising to concur with the late King to take off the Penal Laws; and they are charg'd with having countenanc'd his Dispensing Power when he deliver'd them (who indeed were the only Persons that felt the smart of those Laws) from Prosecution upon that account. This makes it evidently the Interest of *England*, to free that Party from such Temptations in time to come; for as all Men are Flesh and Blood, it is found by experience, that Parties of all sorts will fall in with those Measures that free them from Oppression, without considering whether they be strictly warrant-ed by Law. It's known that the Church of *England's* Concurrence with the Prince of *Orange* was against exprefs Statutes, and the celebrated Doctrine of Passive Obedience: Then since all Parties have own'd in their turns, that their own Safety is to them the Supreme Law, and that there are few Men now-a-days so superstitiously addicted to the observance of the Laws of their Country, as *Socrates*, who would rather die than seem to disobey them by fleeing from Punishment, tho they were wrested to his Destruction; it's the Interest of *England*, rather to make the Dissenters, who are so considerable a Body of Protestants, more easy, than to lay them under further Restraints, as was attempted by some in the last House of Commons. This oblig'd the first subordinate Magistrate of the Kingdom, who has behav'd himself so in his Post, as to please the best and truest Sons of the Church, to say, That if that Act came to be pass'd in his time, he would lay down his Office. But this must be submitted to our Legislators.

Nothing more for the Nation's good, than to be secur'd from the Claims of the Pretender.

There's nothing can be of greater Concern to this Nation, than to be effectually secur'd against the Claims of the Pretender, his Heirs and Successors: for it is now undeniable, that the French King hath not only espous'd his Quarrel himself, but hath entail'd it on his Son and Grandsons, and all the Princes of the Blood, who promis'd in Publick Council to engage in it; and have avowedly own'd him as a Prince of their own Blood, whom they will not abandon. Besides, 'tis very well known that they have another String to their Bow, if this should fail, which is the Pretensions of his supposed Sister; for whose Legitimacy they themselves will become Vouchers, because she was born in their Country; and by marrying her to one of their own Princes, they have a very good Claim to the Sovereignty over us: so that they don't much question to have us annex'd to their Crown as a Province, one way or other; or if they allow us the Title of a distinct Kingdom, they will take care that we shall be as little able to controul their Crown, as are the *Normans* and *Britans* at this day.

And whom the French depend upon here.

The Case being thus, it is our Interest in the first place, to take prudent Measures at home, for discovering who they are that the French rely upon here, and what sort of Assurance they have given them for supporting the Interest of that Pretender. This is so much the more necessary, because the French King has the Confidence to assert every where by his Ministers, that his owning the Prince of *Wales* as King of *Great-Britain*, &c. is no Infraction of the Treaty of *Reswick*. It's true indeed, that by the Fourth Article of that Treaty, we seem to have no further Security against the Claims of that Supposititious Prince, than during his Majesty's Life; but it does not follow from thence, that the setting up of his Title before his Majesty's Death is not a Breach of the Treaty, except the French King have some other Authority for it than is known to the World. It is our Concern to be at the bottom of his Reasons; and whatever they be, to secure ourselves against them, except we have a mind tamely to submit our Necks to the Yoke of Popery and Slavery.

In order to this it would seem necessary that we should have either such a Test as that before-mention'd, to secure us against the Pretender's secret Friends, or some other Expedient, such as the united Wisdom of the Nation shall think proper for that End. It's scarcely to be suppos'd, that during the Nation's Resentments of the Affront put upon us in this Matter by the French King, any of the Impostor's Friends will dare to venture on a publick Opposition to such a Security; and therefore now is the time to press it.

If it be objected, that we are sufficiently secur'd by the Act of Succession; We may readily answer, that if a Door be left open for the Impostor's Friends to worm themselves into the Administration at home, and by that means to concert Measures with our common Enemy abroad, to bring the Pretender over with an armed Force, either before or immediately after the King's Death, our Act of Succession won't signify a Farthing; and that this may be practis'd, if due Preventions be not made use of, is plain beyond contradiction. It's very much talk'd of, that some Persons of no small Figure could scarcely forbear, when the Duke of Gloucester was alive, openly to speak in commendation of the Pretender, in presence of those where common Prudence would have taught them to forbear it; and it has been as much discours'd, that very unbecoming Respects have been paid to him beyond Sea, by those that ought not to have done it. Whether these things be so or not, it's England's Concern, that all who are entrusted with our Administration should be clear of Suspicion; and therefore 'twould seem but prudent, that none of those who were evil Counsellors in the late Reigns; or any ways concern'd in the contrivance or execution of the Arbitrary Designs that were then carry'd on, should be intrusted in the management of Publick Affairs now (except they have given satisfactory Proofs of their Repentance and Reformation) It may happen otherwise, that we shall be left in the hands of those very Men that his Majesty came to deliver us from; and if that be the Case, we may easily foresee that our Act of Succession can be no manner of Security.

Act of Succession not a sufficient Security against the Pretender.

The Nation has reason to insist upon this, and no ground to doubt of his Majesty's Gracious Compliance with it; because in his Declaration from the Hague, when he was gloriously undertaking our Deliverance, he expressly declar'd against those Evil Counsellors, and promis'd to do all things which the Two Houses of Parliament shall find necessary for the Peace, Honour and Safety of the Nation, so that there may be no more Danger of the Nation's falling at any time hereafter under Arbitrary Government. And when by the visible Assistance of God he had happily accomplish'd that Work, the Lords and Commons, in their Declaration of Rights and Liberties, did concur with his Majesty in his Charge against those Evil Counsellors, as having endeavour'd to subvert the Protestant Religion, and the Laws and Liberties of the Kingdom. So that if we should be in the Hands of such Administrators at the time of his Majesty's Death, 'twould be such an Indelible Evidence of our apostatizing and unsteady Temper, as no Time will be able to vindicate us from.

Another thing that seems necessary for our Security, is a League for making our Act of Succession effectual. The necessity of this appears plain from the consideration of the Power of France, which espouses the Cause of the Pretender. It will readily be granted, that if we be left to our selves, France, and our own Malecontents, may give us a great deal of trouble; and therefore such an Alliance would be very convenient. The House of Hanover is not capable of doing much by it self, because it has no Naval Force; yet their Interest in the Empire to give France a Diversion that way, and their Influence upon the Northern Crowns, and the States of Holland, may be of use to us: The latter indeed are the only People capable of doing us the greatest Service, because of their nearness and mighty Power both by Sea and Land. We have no reason to doubt but, his Majesty's Influence, and their own Interest, will readily bring them into such an Alliance. For the Reason which induc'd them to assist the Prince of Orange to rescue us from Poverty and Slavery, is as strong, or stronger, in the present Case; and that Reason, as they then declar'd it to all the Foreign Ministers residing at the Hague, was, that if King James, being in a strict Alliance with the French King, should obtain an Arbitrary Power over his People, those two Kings would then endeavour to ruin Holland as well as England, out of Interest of State, and Hatred to the Protestant Religion.

A League necessary to make our Act of Succession effectual.

In the next place, we ought not to neglect our Neighbours of Scotland. Their alling in with us as to the Succession, shuts a back-Door, which may otherwise open a Way to the Ruin of all the three Nations, should our common Enemy be able to work upon the Resentments of that Nation, for the Treatment they have complain'd of as to Darien, and other Matters, and bring them into an Humour to accept the Pretender; and at the same time should he invade us in the South, whilst they annoy us in the North, the Consequences might be much worse than we imagine. We have it in our Power to prevent all that is to be fear'd from hence, by doing them the Justice that is due to Fellow-Subjects, and suffering them to act so for themselves, as they may rather be a Help than a Burden to us.

And not to neglect our Neighbours of Scotland.

It's well enough known with what Contempt that Nation has been treated in Publick Assemblies by some Persons; but such indeed as are distinguish'd by nothing but what makes them stink in the Nostrils of our own People at home; and therefore their Sentiments are not to be much regarded, with relation to our Neighbours abroad. There are others that talk of bribing some few of them with Money; and that the Interest of those that are so brib'd will easily bring over the rest: But these Gentlemen don't consider that *Lewis XIV.* is too old a Practitioner in that Art to be outdone in it by new Upstarts; and that Men of vendible Souls are always to be purchas'd by the highest Bidder. Besides, as that Practice is dishonourable, it is but very seldom that it proves effectual: for it's only a few Men, and not the whole Nation, that can be brib'd; and when such Designs upon a People come once to be discover'd, or are but violently suspected, they are so far from appeasing them, that they do but more and more enrage them, as was evident from the Proceedings in their last Session of Parliament: which notwithstanding all Endeavours to keep them silent as to *Darien*, did zealously assert their Title to that Colony, and did more towards recovering the antient Liberty of their Country than any Parliament since the Restoration.

How we
must pre-
vent Dan-
gers from
that side.

The only way then to obviate all Dangers from that side, is either to come to such an Union with them as may make their Interest ours in all respects; or to suffer them without molestation, to settle their Succession as we have done ours, with such Limitations as they shall think most conducible for securing their Religion and Liberty.

By this means we infallibly oblige the whole Nation, which is a much better way to ascertain their Friendship, than by engaging a Ministry of this or that Faction, who are in Favour to day, and in Disgrace to morrow, according to the Humour that governs at Court.

And to
have a
great re-
gard to
Ireland.

It remains still, that we ought to have a very great regard to *Ireland*; that unhappy Nation hath oftner than once put this Kingdom to a great Expence of Blood and Treasure: The Cause was visible in the mismanagement of the late Reigns, and the Influence of their Instruments since we have been blest with this. I will be very unhappy for *England*, if that Country should once more become the Seat of a Rebellion, and a Receptacle for French Troops. Those of the North of that Kingdom, and elsewhere, who were so prodigal of their Lives and Fortunes to support this Government, seem, by what unhappy Management God knows, not to be so well satisfy'd with their Compensation, as to give us any ground to expect that they will act with the like Zeal, in case of a new War there. 'Tis therefore highly incumbent on this Nation, to endeavour to remove, as much as possible, all causes of Discontent from the Protestants of *Ireland*, and seriously to endeavour the Conversion of the Papists there, tho we should be at the Charge of a proper Mission for that End, but without any thing of Dragooning, or Penal Laws; these are Methods fit for the *Pope* or *Mahomet*, but no way suited to the meek and lowly Spirit of the Christian Religion. Much more might have been said with reference to those two Nations, would our design'd Brevity allow it. But thus much may be advanc'd in short, That it would be the Advantage of *England*, to have both of them so link'd to us in Interest and Affection, that it might not be in the Power of Foreign or Domestick Potentates to make them back-Doors for an Invasion, or Instruments of setting up an Arbitrary Government, as hath been several times attempted since the Reign of *K. James I.*

What we
should do
to support
our West-
India Plan-
tations.

We are no less concern'd to take care of our *West-India* Plantations, which are now in more danger than ever, having the Power of *France* and *Spain* united against them. It may be of fatal Consequence, if any mercenary Spirits, Tools of the late Reigns, or such as are displeasing to the People of those Parts, be entrusted with Eminent Posts in the Government there. We ought to be particularly careful to support them with a good Naval Force, and to use our Endeavours to extinguish all Heats and Divisions among the Inhabitants, lest the common Enemy improve 'em to the disadvantage of *England*. There's one thing hath happen'd in those Parts lately, which would seem to have been set on foot by the common Enemies of our Peace to divide us; and that is, that several Scots Gentlemen, Clergymen, and others of that Nation, have been opprobriously treated, and turn'd out of their Posts, and all of that Country declar'd incapable of bearing any Office in those Plantations, tho they assisted with as much Zeal as any other of the Inhabitants, in the defence of the said Countrys against the French during the last War: this is so much the more observable, that those Proceedings thwart

thwart a late Determination of his Majesty and the Privy Council to the contrary, and are directly against that which hath been look'd upon as a rul'd Case, ever since the famous Debate about the *Post-nati*, in the Reign of King James the First. This deserves a more speedy Application, lest it should add to those grounds of Discontent which our Neighbours of *Scotland* are of late become so full of, and perhaps may lose us the Assistance of our Friends when we have most need of them.

The next, and indeed the main thing to be done for our Security, is to bring France to such a Condition, that she shall not be able, either to impose that Pretender upon us, or to support or encourage any of our future Princes in their Arbitrary Designs against us, as she did *Charles II.* and *James II.*

There's no prospect of doing this without a War, and such a one too as must be prosecuted with Vigor.

Here I find my self encounter'd at first setting out, by a late Pamphlet intitled, *Reasons against a War with France: Or, An Argument shewing that the French King's owning the Prince of Wales as King of England, Scotland and Ireland, is no sufficient Ground for a War.*

The Author is at some pains to persuade the World that he is no Jacobite; nor shall I endeavour to fix that Reproach upon him, it is no way material to the Subject in hand: but his Argument looks much like it at first view, especially considering that it is the Topick of all our Jacobites; and that the first time he mentions his Prince of Wales, which is in his Title Page, he does it without the Epithet of *Supposititious* or *Pretended*, which all but those of his Party have constantly branded him with. I must however do our Author this Justice, as to say, that in other places he argues too much like an Englishman to be in the Pretender's Interest; and therefore this, and other things of that nature, I shall look upon to be mere Oversight.

The only thing that I think my self oblig'd to confute in our Author, is, *That the French King's owning the Prince of Wales as King of England, &c. is no sufficient ground of a War; and that his doing so is not directly contrary to the Stipulations of the Treaty of Reswick.*

To begin with the latter, our Author equivocates upon the word *directly*, which might do well enough among Boys of the lower Forms at Schools, but can never take upon Men of Reason. There's no direct Provision in that Treaty, that the French King shall not invade *Ireland, Scotland, Virginia, Barbadoes, &c.* But it is fully included in the Second Article, under the general Terms of Kingdoms, Territories, Dominions, and Places; and therefore if he should invade any Place belonging to the King of *Great Britain*, tho not directly mention'd in the Article, the World would conclude him to be guilty of a direct Breach of the Treaty.

The present Case is yet stronger against our Author, for by the Fourth Article of the Treaty of *Reswick*, the French King is expressly bound up from giving or assisting any Assistance, *Directly or Indirectly*, to any Enemy or Enemies of the said King of *Great Britain*; so that his Cavil upon the word *Directly*, can do the French King no manner of Service. Our Author's Explanation of the word *Assistance*, but it means nothing but Arms, Ammunition, Ships, Provisions or Money, is likewise contrary to the plain Letter of the Treaty: which, after having enumerated those Methods of Assistance that our Author takes notice of, adds in the very next words, *Or in any other Way*; but this he thinks fit to pass over in his Argument, so he repeats those very words in his Quotation of the Article, p. 6. There is yet another Clause in the Fourth Article not taken notice of by our Author, which bears hard upon the French King's owning that Pretender, viz. That he will in no Manner whatsoever favour the Conspiracies or Plots, which any Rebels or ill-disposed Persons may in any Place Excite or Contrive against the said King: And that he will not assist with Arms, &c. or any other Way, any Person or Persons, who shall hereafter under any Pretence whatsoever, Disturb or Molest the said King of *Great Britain* in the free and full Possession of his Kingdom, &c.

Now if we can but prove, that the French King's owning the pretended Prince of Wales is in any way an Assistance to the Enemy or Enemies of the King of *Great Britain*, or that it is in any Manner a favouring of Conspiracies or Plots, which Rebels or ill-dispos'd Persons may in any Place Excite or Contrive against the said King; then our Author must agree, that it is a Breach of the Treaty, and by consequence a good Cause of War.

It was an
Assistance.

To prove that 'tis in some way an Assistance, we have the joint Testimony of the Jacobites on both sides the Sea. When the French King came to pay the Vis-
tender a Visit, and express'd himself thus, *Voilà un Prince que j'ay toujours cheri,*
& *un Roy que j'aimeray a jamais*; i. e. There's a Prince whom I have always cher-
ish'd, and a King that I shall always love: and speaking at the same time to the
Court at St. Germain's, said, *Messieurs voilà votre Roy*; i. e. Gentlemen, there's
your King: This was look'd upon by our Jacobites in France to be such an effec-
tual and considerable Assistance, that it immediately converted their Tears and
Sighs for the loss of the late King into Transports of Joy, that his most Christian
Majesty had own'd their new King. As a further proof of what I say, there was
publish'd here some time ago by our Jacobites, an Account, by way of Letter, of
the late King James's Sickness and Death, and of his Behaviour on his Death-bed.
This Letter informs us, That the Matter of owning the Pretender as King of
Great Britain and Ireland, was debated publicly in Council, and that most of the
Privy Counsellors were for delaying it: upon which the Dauphin rose up in a Heat,
and with a great deal of Warmth press'd the owning of him, alledging that
they could do no less, he being a Prince of their own Blood, &c. and to this the
French King, and all the other Princes of the Blood, agreed. By all which it ap-
pears, That the owning of the Pretender was not a mere Complement, or the giving
him an empty Title to please him, as our Author words it, p. 7. but a thing concerted
with Deliberation, and in view of its being rewarded by the King of Great Britain and
his Subjects; why else should the French King's Privy Council have been for delaying
it? To this we may add, the Duke of Anjou's Return to the Pretender's Comple-
ment, when he congratulated his Accession to the Crown of Spain, viz. *That he*
hoped ere long to have an opportunity to congratulate him upon the like Occasion; and told
him, *That in that Case he might depend upon his Friendship and Assistance*. It is self-
evident, That this Answer was put into the Mouth of the Youngster, and was
justly look'd upon by some then to be a Prognostick of what hath since come to pass.
We have heard what were the Sentiments of our Jacobites in France of all this;
and no Man can be so much a Stranger to the Conversation of that Party in Eng-
land, as not to know that how Crest-faln soever they appear'd before, this gave
their Looks a new Air, and fill'd them with fresh Hopes, which swell'd them so
big that they could not contain themselves: They express'd their Confidence with
so much Imprudence (to give it no worse Name) on all Occasions, that no other
Government but this would have suffer'd them to pass unpunish'd. Thus it ap-
pears, that we have the Testimony of both our French and English Jaco-
bites, that the French King's owning their pretended Prince is in some way an
Assistance.

Since there
is nothing to
blinder put-
ting him
into Posses-
sion.

In the next place it is plain, That since the French King hath own'd the Ju-
stice of his Title, there's nothing else by the Fourth Article of the Treaty of
Reswick that stands in the way of his endeavouring to put him in Possession, but
King William's Life, which is one of the greatest Excitements that can be for our
Jacobite Assassins to go on to form Plots against his Majesty's Life, as they have al-
ready attempted other than once: by which it appears that the French King's
owning that Pretender is a direct Breach of the Treaty; and if we may be
allow'd to say so, his Majesty's agreeing to the Treaty of Reswick, to save the
Blood and Treasure of his Subjects, without a further Security for his own Life,
was an unaccountable Piece of Condescension. Had the Consent of his People
been formally requir'd to it, they could not without a Crime have acquiesc'd
in a Treaty for their own present Ease, which did so much expose his Majesty's
Life, and the Peace of Posterity; it is therefore to be hop'd, that whenever Af-
fairs are again brought to be determin'd by a Treaty, there will be more care ta-
ken in this Matter.

It is owing
to the Proten-
der's contrary
to the 1st
Article of
the said
Treaty.

But further, the French King's owning the Pretender, is contrary to the first
Article of the Treaty of Reswick, which provides, 'That there shall be a per-
petual Peace, and a true and sincere Friendship between the two Kings, their
Heirs and Successors, and between the Kingdoms, States and Subjects of both;
'and that the same be so sincerely and inviolably observ'd and kept, that the one
'shall promote the Interest, Honour and Advantage of the other; that on both
'sides a faithful Neighbourhood, and true Observation of Peace and Friendship
'may daily flourish and increase.

There is not one Clause or Sentence of this Article that the French King's
owning the Pretender does not violate. Is that the way to preserve Peace and true

true Friendship with his Majesty and his Successors, to countenance one to usurp his Title during his own Life, and to exclude the Protestant Successors, whom upon his Majesty's Recommendation the Nation hath agreed to in Parliament? Surely the French King can never have the Confidence so much as to alledg, That either the King or the People agreed to have a Pretender to be his Successor; and without the Consent of both, 'tis impossible to clear him from the Guilt of breaking this Article by owning that Impostor. Is it possible that this can be the way to maintain Peace and Friendship betwixt *France* and *England*, for *Lewis XIV.* not only to own that Pretender himself, but to engage all his own Sons, and the other Princes of the Blood, to espouse his Quarrel as our King, when he knows that this Nation does generally look upon him as Supposititious; that they dethron'd his supposed Father, because of his being in the Interest of *France*, and engag'd in a Design to overturn our Religion and Liberties; and that they must needs have an utter abhorrence of the Pretender, were he his real Son, because educated in the Maxims and Religion of *France*, which are inconsistent with those of *England*; and in the last place, when he knew that the Kingdom of *England* had settled the Succession otherwise? Can any Man of Sense imagine that this is the way to promote the Honour, Interest and Advantage of *England*, or to occasion the flourishing and increase of Friendship, as he is oblig'd to by the first Article of the Treaty?

His Breach of the Treaty in this manner is so much the more unreasonable, because 'tis strongly presum'd, that he was let into the Secret of the Counterfeit Pregnancy. Mr. *J. W* — r looks upon himself to have been the first Projector of putting the late King upon that and the other Methods, which accelerated the happy Abdication that did his Country so much Service. The owning him unreasonable in the French King.

We might otherwise have been still languishing under a Consumption in our Vitals, whereas this Project brought it to an acute Disease, which by the Strength of the English Constitution and Genius we happily overcame. Mr. *W* — r is positive in this, and keeps by him the original Draught, which he communicated to the late Sir *J. Guise*; and he imparted it to a great Man, who hath been blam'd by some, and commended by others, for putting the late King upon the practice of the Scheme, that was originally Mr. *W* — r's, tho others have reap'd the Advantage of it, as is usual in all such Cases.

I suppose by this time it is evident enough, that the French King's owning the Pretender as King of *England*, is a Breach of the Treaty of *Reswick*; not only according to the Letter, but according to the Spirit, as *Lewis XIV.* hath of late taught the World to distinguish: and with this Opinion the Nation unanimously falls in, as appears by their Addresses, and think it a very good Cause of War.

And indeed had there been no such Treaty to obviate the French King's Insolence in that Matter, his doing it in opposition to the Authority of the King and Parliament of *England*, were Cause enough for a War. Who constituted him Arbitrator and Judge of our Succession, or gave him Power to take upon him to determine that a Person whom our present King, and the Bulk of the Nation have branded as an Impostor, is really Legitimate? Who empower'd him to offer at imposing a King upon us, who, tho there were no question as to his Birth, is excluded by Act of Parliament by reason of his Moral Incapacity, as being a Nursing of Tyranny and Popery? Can any Man who has a Drop of English Blood in his Veins, bear with the Insolence of this haughty *Nimrod*? Shall he, whose own Legitimacy was question'd by the first Princes of the Blood of *France*, because of *Lewis XIII.*'s known Frigidity, impose a spurious Prince on the Kingdom of *England*? Does he not know that our Royal Line has a better Right to the Crown he wears than himself, tho *Richieu* and *M. le Grand* had never been taken in to assist *Lewis XIII.* in *Omnibus suis Negotiis*, as the Cardinal worded it himself? Certainly such an Affront as this upon the English Nation, and not only personal upon the King, as our Author seems to insinuate, *Pag. 5.* ought to raise their Courage and Resentments to the same pitch with that of their Ancestors; who chastis'd the Insolence of the French in the Battels of *Agincourt* and *Verneuil*, &c. Nothing less than the Revenge of *Tomyris*, when she cut off *Cyrus* his Head, and threw it into a Vessel full of Blood, bidding him take now a full Draught of that which he had always thirsted after, can be a just Satisfaction to the People of *England*. *Lewis* hath by this Practice arraign'd the Sovereignty of our Nation, as if we had not a Right to settle our own Succession as we judg may best secure our Religion and Liberties. It's therefore our Interest to make War upon him

him in such an effectual Manner, as to render him and his Successors incapable of hectoring us and the rest of Europe for the future.

We can't be
safe by
Treaties
with him.

It's in vain to alledg, that we may be secur'd by Treaties without a War, or by the French King's surrendring all that he hath usurp'd in the Name of his Grandson the Duke of Anjou. We find that Treaties now-a-days are nothing but Snares and Amusements to gain time, and that Lewis XIV. hath made it his constant Practice to impose upon his Neighbours by Treaties, and to render them secure, that he might rob them of their Dominions, under the Covert of some fraudulent Quibble or other upon those Treaties. This is evident from the Treaty of the Pyreneces, to this very day. Besides, we find that he hath infallible Methods to break all Alliances that are made against him. Thus, he broke the Triple Alliance made betwixt England, Sweden and Holland, to stop the Progress of his Arms. In like manner he broke that of Nimeguen; nor is any Man ignorant that he found out Methods to break the late Grand Alliance, and to bring the most considerable of its Members into the Treaty of Partition, which with the Treaty of Reswick he hath broke in a most gross and scandalous manner. From all which 'tis evident that there's no way to secure our selves against his Attempts, but by reducing him to such a Condition as he shall not be able to annoy us.

War with
Fra, how it
should be
manag'd.

Who fit to
be employ'd
in Com-
mands.

The Matter being thus, the next thing to be consider'd is, how a War must be manag'd, so as to be carry'd on with a Probability of speedy Success. In order to this 'twou'd seem necessary in the first place, that the Command of our Fleets and Armies shou'd be put into the Hands of such Men as are known to be intirely in the Interest of the Government; not merely because of the profitable Posts that they enjoy under it, but because of the Principles upon which 'tis founded. 2. That they be such as have an Interest in the Nation, and in the Affections of the People; this will in a great measure secure them from those Suspicions, that Men of low or desperate Fortunes, or who were the Instruments of Oppression, or Tools in the former Reigns, will always be liable to. 3. That the Soldiers and Seamen be duly paid, and kindly treated. This will make their Families and Relations easy at home, and encourage them to venture their Lives with Chearfulness abroad. The People will bear their Taxes without grumbling, when they find the Money, levied for their Defence, faithfully apply'd to that, and no other end; 'twill prevent the Clamours that have been rais'd and publish'd against most of our publick Officers, and take away that Handle which some ill Men did of late improve to a very dangerous height against the Administration. 4. That all those who are entrusted as Lords of the Admiralty, Commissioners of the Navy, Commissioners for the Sick and Wounded, Commissioners of the Victualling-Office, Prize-Office, &c. be Persons of known and sufficient Abilities for the Discharge of their respective Trusts; that they be Men of undoubted Loyalty to the Government, and firm to the Interest of their Country; such as have been more remarkable for their Sufferings, or Opposition to the ill Administration of the late Reigns, than for their fawning upon the Government in this: That such as are advanc'd to these important Posts take care to employ none in the subordinate Charges under them, but Men of Integrity, that will not oppress or defraud those that have occasion to apply to them; and that the chief Commissioners make due Enquiry from time to time into the Administration of their inferiour Officers; that they may neither defraud the Publick themselves, or countenance it in others, as has been too frequently, and perhaps too justly complain'd of hitherto. In order to this, 'twill be highly necessary that the chief Commissioners of these respective Offices be ready to encourage and protect all such as shall discover any Fraud and Oppression that properly belongs to their Cognizance; and that as they are not to suffer their subordinate Officers to be vexed by frivolous or unjust Accusations on the one hand, they should take care that Prosecutors and Witnesses be not baffl'd, oppress'd and discourag'd on the other. Proceedings of this nature have been complain'd of in the Case of several People that were formerly ruin'd for discovering Embezlements in his Majesty's Naval Stores, &c. And if the like Practices be still continu'd, it must of necessity be ruinous to the Nation. 'Twas one of the greatest Temporal Blessings that ever God Almighty promis'd to his People, to make their Officers Peace, and their Exaltors Righteousness. And when he leaves a Nation so far to themselves, as to suffer the contrary Practice, 'tis an infallible Sign of approaching

The best Method to prevent such Dangers would seem to be, that the Representatives of the Nation should be consulted in such a dangerous Juncture as this, what Persons are fit to be employ'd in the Places of greatest Power and Trust. 'Twas never reckon'd any Diminution to the Prerogative of the *English* Crown, for our Princes to ask and take the Advice of their Privy-Council in the Disposal of such Offices; much less ought it to be accounted such, when they take the Advice of the Great Council of the Nation. On the contrary, it must needs be a great Ease to the Throne, a sure Way to prevent his Majesty's being impos'd upon, and the best Defence against all those Calumnies which the Enemies of the Government are ready to improve, for blackning the Administration: for in this Case, if the Parliament should advise to ill Men (as it is scarcely probable they will) the Crown would be blameless; and in case of real ill Management or false Accusations, the punishing of the one, and the acquitting of the other, being submitted to the Cognizance of the Parliament, 'twould remove all that Odium from the Throne, which generally attends such Cases.

Representatives are to be consulted who fit to be employ'd.

So much for the Employment and Treatment of the Men that must be employ'd in and about the Management of the War; of which, after all that can be said, they are the chief and principle Sinew.

The next thing to be consider'd is the Management of the Publick Mony, which is the other great Sinew of War: In a mixt Government like ours, where the People have the sole Power of the Purse, 'twould seem to thwart the very Nature of our Constitution, to exclude them from a share in the Management of it; and therefore his Majesty hath always readily agreed to their appointing Commissioners to inspect the Publick Accounts. Might it not then be proper in our present Circumstances, when so great a noise has been made in the World, about Mens raising vast Estates to themselves out of the Publick Mony, that the Parliament should be consulted in the Nomination and Appointment of those that are to have the Charge of paying our Armies and Fleets? This would remove the Handle which ill Men take of lesaming the Government, as advancing their Favourites and Servants, to enrich themselves with the Mony that is given for the defence of the Country, while Fleets and Armies remain unpaid; and on the other hand, 'twould in a great measure allay those Jealousies, which People have been so ready to entertain, that an Army may at some time or other be employ'd to bereave the Nation of its Liberties.

How the Public Mony ought to be manag'd.

It is likewise highly necessary for bringing the War to a good and speedy Issue, hat our Councils and Administration be steady, that the Interest of all Parties should truckle to that of the Nation; that those who are in Chief Trust about his Majesty be such as are most belov'd and trusted by the Country, and have always been true to the Principles of the Revolution. Experience hath shew'd us, that the People of *England* will ever be jealous and uneasy, when they see Men of Arbitrary Principles, that were noted for concurring with such an Administration in the late Reigns, prefer'd to high Posts in this. The wisest of Kings hath laid this down as a never-failing Maxim, *Take away the Wicked from before the King, and his Throne shall be establish'd in Righteousness.* And he gives it as the Character of a wise King, *That he scatters the Wicked, and brings the Wheel over them; that his Favour is toward a wise Servant, but his Wrath against him that causeth Shame.* And for not following those Sage Counsels, but acting by the Advice of *Young Hot-headed Advancers of the Prerogative*, or in the *English* Dialect, *buffing Tories*, his own Son *Rehobam* lost ten Parts in twelve of his Dominions. His Majesty has been graciously pleas'd, in his Proclamation of Feb. 24. 1697. against Profaneness and Immorality, to promise that he would particularly punish it, in such who are employ'd near his royal Person: and therefore we have Reason to believe that he will be careful to employ such Persons about him, as may set the Nation a good Example by their Piety and good Morals, and not such as may cause Shame; and that he will carefully void the Employment of such Persons, when they are made known to him, as by their wicked Principles would overturn our Constitution, and turn a regular monarchy into a lawless Tyranny. This is an Immorality of far greater Consequence, than those common Disorders of Life, which make Men odious to one another; but both of them are justly hateful. The Observation of these Rules is the more incumbent upon our present Court, because the neglect of them by former Courts has been visibly punish'd by the Hand of God, who literally fulfilled upon them, that which he threaten'd against the *Israelites* and their King, if they acted contrary to his Laws, viz. *That they should be brought to Dearth.* *Nation, which neither they nor their Fathers had known, where they should serve Gods*

That our Councils; &c. be steady.

Prov. Cap. 25. 5. Cap. 20. 26. Cap. 14. 15.

And Men employ'd, of Piety and good Morals.

of Wood and Stone. This was so exactly accomplish'd in the Persons of our two late Kings, and many of their Followers, that every Man who does not wilfully shut his Eyes against the Evidence of Truth, must observe it: and by the account we had of the late King's Sickness and Death, in a Letter printed and publish'd here by his own Friends, the reading of these Words in his Chappel, *Remember, O Lord, what is to come upon us; Consider and behold our Reproach; Our Inheritance is turn'd to Strangers, our Houses to Aliens*, sunk his Spirits so much, that he never recover'd it. Then since it is evident, that his employing and listning to such Servants, as advis'd him to overturn our Constitution, was the immediate Cause of his Reproach and Disgrace; it ought to serve as a Beacon to all our future Rulers, to beware of those dangerous Shelves. To this we may add, that as the Employment of such Persons increases Fears among the People at home, it makes us seem little to our Allies Abroad. This was the Reason, that in the late Reigns we were branded by Foreigners with such a Fluctuation and Unsteadiness of Counsels, as we could not be depended on for two Years together; and therefore if the same sort of Persons be employ'd, or the same Measures pursu'd, it naturally follows, that they will still have the same opinion of us. The Consequence of which must be, that they will make the best Terms they can with the French Nimrod, and this will bring all Europe under his Chains.

Lam. 5.
1, 2.

And that
those im-
ploy'd shun
the Faults
of those
that went
before.

In the next place, it is incumbent upon all such as are or shall be taken into the Administration, to shun those Faults, with which the New and Old Ministry do charge one another.

'Twill be a very good Improvement of our late extravagant Heats, if our Ministers of State, Privy-Counsellors, and other Courtiers, be thereby taught to avoid such Errors and Faults. Those that are plac'd in high and eminent Stations, ought to have more than an ordinary share of Virtue; for we see that small Faults, or perhaps Suspicion without any Fault at all, is apt to be magnify'd against such, into Crimes of the highest nature. From all which it is evident, that Ministers of State, and Privy-Counsellors in England, ought not only to be so honest, as not to concur with those that give ill Advice to their Prince, but likewise to have so much Fortitude and Self-denial, as to quit any Post whatever in the Prince's Service, rather than be oblig'd to concur in any thing that may be to the Dishonor and Disadvantage of the Crown or Country. It's a known Maxim, *That the King of England can do no Wrong*, and it perfectly agrees with the Definition of a King that we have in the sacred Text. *St. Paul* tells us positively, *that Rulers are not a Terror to Good Works, but to the Evil, and that they are Ministers of God for Good, &c.* From which it naturally follows, that Ministers of State, and others, are under no Obligation to put the unjust Commands of Princes in Execution; for the Nature of the Government, with which they are entrusted, gives them no Power to command any such thing: and if there were none to put them in Execution, there would be no occasion for Passive Obedience, as taught in the late Reigns; for it's absurd to imagine that Princes could in their own Persons be Judges, Juries, and Executioners. From whence it is evident, that that unreasonable Doctrine, and Tyranny, do mutually bring forth one another, and become Mother and Daughter by turns, as the old Riddle says of Ice and Water. 'Twere to be wish'd that all Courtiers, and particularly those of England, would consider this; there can be no better way for the latter to vindicate themselves from that Reproach, which some Foreign Authors take the liberty to charge them with.

Rom. 14.

De Witt's
Character
of the Engl.
Courtiers.

What Englishman can (without having all the Blood in his Veins ready to boil over) read what *John de Witt* says of English Courtiers, in his Book of the *Fundamental Maxims and Politicks of Holland*, viz. *That they are the most lavish and thievish of any Courtiers in the World?* And speaking of the late King Charles II. he says, *That he consum'd all the Strength of the Island upon his Luxury and Favourites* (a). What he means by our Courtiers being Thievish, is, *That during a War by Sea or Land, they do so misapply and waste the publick Money, that it always falls short.* As there's no Englishman that can read this unworthy Reflection without being sensibly touch'd, it's certainly the Duty of our English Courtiers to behave themselves so, as his Country-men that are here may see his Reflection falsify'd; and it ought to make our Dutch Courtiers particularly cautious, that there be nothing in their Practice which may confirm their Countryman's Maxim, or bring it in Judgment against 'em.

(a) Aanwysing der heilsame politike Gronden & Maximen van de Republike van Holland. p. 297, &c.

The next thing requir'd towards a speedy and happy Issue of the War, is, that the approaching Parliament be Unanimous, Vigorous, and Speedy in their Resolves. The Nation being dissatisfy'd in general, that the late House of Commons was obstructed in their vigorous Proceedings against France, by those well known and unhappy Debates which fell in among them; his Majesty out of his Fatherly Care, hath prudently dissolv'd that Parliament. It is certainly the readiest and most natural way to end a Quarrel, to separate the contending Parties, which was highly necessary at a Time when we are all in hazard of being swallow'd up by the common Enemy. Then since the King hath graciously done his part, it's now incumbent upon the Nation to act theirs, in chusing such Men as will readily concur in what they would have had the late House of Commons do. If the Nation will take due care in this Matter, it will be truly unaccountable, if we should have the misfortune of a Parliament, that will neglect the Safety of the Kingdom, and indeed of all Europe in this extreme Danger, to pursue private Piques and Party-Quarrels. It hath been urg'd in Pamphlets and Discourses, that tho the Lords against whom Articles have been exhibited, be as guilty as their Enemies would have them to seem; yet the Treaty of Partition being now out of doors, and their Accession to it, for ought that yet appears, no more than hearing of it, and advising against it (except it be that the Lord Sommers put the great Seal to it, &c. by his Majesty's Command) it would seem to be the Interest of England at this time, that a general Act of Indemnity should rather be urg'd to unite us against the Common Enemy, than to give any occasion for further Divisions, by Endeavours to make great Men Criminals, for such things as they either advis'd against, or can offer to defend by the Laws and Customs of the Country, and especially when those at the bottom of the Prosecution are so visibly partial as to suffer others, who are more concern'd in those Matters, to escape without being touch'd.

To bring the War to a speedy Issue, it is necessary our Parliament be unanimous. &c.

When we are struggling against the greatest Foreign Tyrant that ever assum'd the Christian Name, it will be a terrible Misfortune to be depriv'd of the Assistance and Direction of the Parliament, by reason of Debates between the two Houses, and Party-Quarrels in each House: At the same time, there's no doubt but some People will take it as a Handle to libel and calumniate one or both, as has been done in some late Pamphlets, which take the Liberty to say, 'That the People were not allow'd to represent their Grievances, and apparent Dangers, to those whom they empower'd to take care of having them redress'd and prevented; and that if such a part of our Constitution, as has always been look'd upon to be the strongest Barrier against the Arbitrary Power of our Princes, should become so Arbitrary themselves, as to imprison the Subject for humbly petitioning, to commit Men without unquestionable Authority, without a previous Examination, and without any prospect of their being set at Liberty by due Course of Law; and in a word, to be so Arbitrary in their Proceedings, as to think themselves no ways accountable to the People that depute them: If this be our Case, it's in vain for us to struggle against a Foreign Tyranny, when we are oppress'd by one that's Domestick.

But if to all this there be added this unhappy Circumstance, that the Persons accus'd are known to be intirely in the Interest of the Government, and that the principal Fomenters of those Divisions are suspected to be in the Interest of our Common Enemy, or such as have refus'd to give that voluntary Testimony of their Affection to the present Government, which most of the Subjects have cheerfully done, or such as have formerly lain under the just Odium of the Nation for misapplying the Publick Money, and having been Abettors of Arbitrary Courses; and that those very Men and their Adherents are possess'd of Part of the Administration, and eagerly pursuing after the Whole; then indeed our Case seems to be next door to that we call desperate.

It is too well known that several Pamphlets, in Words to that or the like Effect, alledg all these things just now mention'd to have been our late Circumstances; and therefore 'twill be our own Fault if they have again the like Opportunity. 'Twas the Apostle's Command, to mark them that cause Divisions in the Church; and all civiliz'd Nations are as much oblig'd to mark and avoid those that occasion divisions in the State.

At such a Juncture as this, when the Sovereignty of the Nation is call'd in Question, and our Right of settling our Succession disputed by the French King, who is ready to swallow up all Europe, it would consummate our Misfortunes to have

The Danger of their Disagreement.

have the two Houses of Parliament engag'd in such a Controversy about their Rights and Privileges as cannot be accommodated or let fall, without risking the Honour of the Houses, or a new Dissolution. In that Case the Nation would be in danger of an Intestine War to settle her own Constitution, instead of carrying on a Foreign War against the common Enemy. Might it not then be proper for us in such Circumstances to follow the Example of King *David*; who being a Man according to God's own Heart, must needs have been habitually a good Justiciary; and yet we find that when the Publick was in danger, he deferred the Execution of Justice upon very great Criminals till a more proper Season, as in the Case of *Joab* and others? Certainly the Argument is much stronger, when the Persons accus'd offer to defend themselves, by positively denying one part of the Charge, and by justifying the other part by the Laws and Customs of their Country. If such a Prosecution should be rais'd in a City, when in danger of being attack'd by a common Enemy, it's no hard matter to conjecture what the Thoughts of the Citizens would be of those that foment such an untimely Prosecution: or if some Soldiers and Officers, nay if a whole Army, who perhaps have cause enough to complain of some of their chief Leaders, should move to have them call'd to an Account just when an Enemy is marching upon them, has made himself Master of their Out-posts, and beat in their advanced Guards; it's well enough known what a Council of War would determine concerning such Officers, and what Opinion the Country would have of such an Army.

England's
part of the
War most
naturally
at Sea.

What we are next to consider, is the way of managing the War. 'Twould seem to fall naturally to our Share to act most of our part by Sea. As this will be least chargeable to the Nation, so by this means we are like to do the Enemy most Damage both in *Europe* and *America*, and to receive most Advantage to our selves, especially considering that by the Sixth Article of our Treaty with the Emperor, the Dutch and we are empower'd to keep to our selves what we conquer in the *West-Indies*. The Dutch to be sure will make their Improvement of this Article if we don't; and therefore it seems naturally to be our Interest to be at least as strong by Sea in the *West-Indies* as they: our Concern in those Parts is certainly much greater than theirs, and therefore our Care of them ought to be nothing less. In the mean time I cannot but take notice by the way, that as this Article is an infallible Evidence of his Majesty's Care and Kindness to his People, it also corresponds with the Advice given his Majesty, when about the Treaty of Partition, by the Lord *Sommers*; and yet nothing less than the Ruin of that Peer would satisfy some fiery and ambitious Spirits, who have been ready at all times to sacrifice the Interest of the Nation to their own Revenge, Covetousness and Ambition. It's evident that that Noble Lord in his Letter of Aug. 28. 1698. to the King concerning that Treaty, advis'd his Majesty, That if the Elector of *Bavaria*, who was to be the Gainer by his Majesty's Interposition in that Affair, should come to an Agreement, to let the English into some Trade to the Spanish Plantations, or in any other manner, it would wonderfully indear his Majesty to his English Subjects*. Then certainly the obtaining of such a Concession as this, cannot fail of indearing his Majesty to us much more.

Our acting
vigorously
in the West
Indies, will
annoy the
Enemy most
sensibly.

But to return to our purpose; as our acting vigorously in the *West-Indies* affords us a prospect of most Advantage to our selves, it gives us likewise an Opportunity of annoying the Enemy in the most sensible Part. The French King wants the Assistance of the Treasures of *Spain* in the *West-Indies*, more than the Forces of the Dominions of *Spain* in *Europe*, to arrive at his Idol of Universal Monarchy. By preventing his having the *West-India* Bullion and Mines, we cut off the Sinews of his War, and shall quickly oblige him to drop his Sword. That we may easily do this, can scarcely be denied; we have strong Colonies in the *West-Indies* already, and with what we send in our Ships from *England*, may soon have Men enough from our Northern and Southern Plantations, to make our selves Masters of such Posts in the Spanish *West-Indies*, as will secure us in the Command of that Country. By this means we shall be freed from our dependance upon the Spaniards, as to our Trade for Slaves and Bullion; and by consequence, not only enabled to carry on our *East-India* Trade without exporting our own Coin, but likewise by the conveniency of the *Isthmus of Darien*, have an opportunity of humbling *France* yet further, by cutting off her *East-India* Trade, or making it very insignificant. This may easily be done, for we have such conveniency of sending Me

* Proceedings of the House of Peers, Pag. 20. Col. 2.

from our *American Colonies* so speedily, and in such numbers over that *Isthmus*, as may soon destroy their Factories in the *East-Indies*; and besides, by having a Harbour on the South, and another on the North of *Darien*, we shall so much shorten our *East-India Voyages*, and so much lessen the Expence of them, that we shall quickly out-do all other Nations which would rival us in that Trade.

To this 'tis objected, That it may imbroil us with the Dutch and the Scots; but the Answer is easy, 'Twill not be hard to compromise Matters with those two Nations. The Dutch being by the Article equal Sharers in the Privilege, there's no reason to deny them that due proportion of the Advantage which may any wise justly be accruing from it; and as to what each Nation is already possess'd of in the *East-Indies*, their respective Properties may be secur'd by Treaty. For what relates to the Scots, they must be suppos'd to be included in the Treaty as Subjects to the King of *Great Britain*; and the Justice of their Pretensions to *Darien* being asserted by that Parliament, 'twould seem to be necessary, that that Matter should be adjust'd by a Deputation from both Kingdoms, wherein 'tis not to be doubted but the Scots will listen to Reason. By this means we have an opportunity of doing them Justice, of coming in with them as Sharers of their Pretensions, and of having an Equivalent for admitting them into an Union with us, that they have so long desir'd, and which by this Method may be cemented for ever. If this be the Case, we may have a strong Assistance of Men from that Kingdom, which will then become a part of our own; and all Disputes about their falling in with a distinct Successor are obviated for ever. But be that how it will, it's the undoubted Interest of *England*, to take care that no other European Nation become Masters of that Neck of Land, the Importance of which is now become so universally known by the Attempt of the Scots to fix themselves there, that if we neglect it, there's no question to be made, but some others will fall in with it, from whom we're not to expect such good Neighbourhood or advantageous Conditions. Besides, by falling in with them, we keep the Title wholly in the Hands of *Great Britain*, and by that means exclude all posterior Claims.

So much may suffice as to our attacking the French or the Spaniards in the *West-Indies*; for they must now be reckon'd one and the same, till such time as the Spaniards are enabled to deliver themselves from the French Yoke.

It falls naturally under our Consideration in the next place, in what other Parts we may attack the French to most Advantage. The *Netherlands*, of which they are now possess'd, is so strong, that all we can propose to do on that side, is to keep on the Defensive; for should we attack them there, we must be oblig'd to dispute every Foot of Ground. We cannot march two or three Leagues without having a stop put in our way by a fortify'd Town; so that to fight in that Country, were to run our Heads against a Brazen Wall. If we attack them on the side of *Germany*, we shall be almost in as bad a Condition, for there they have form'd a strong Barrier by *Luxemburg, Mentz, Toul, Verdun, Stratsburg, New-Brisac, &c.* so that we shall only throw away our Men and our Money. The *Germans* and *Dutch* are both so sensible of this, that they are wholly taken up in preparing for Defence by Lines, Forts, Redoubts, and numerous Armies.

To attack them by Land on the side of *Italy* is impracticable, because the Dutches of *Milan* and *Savoy*, and the Principality of *Piedmont* are at their Command. It remains therefore, that we must either attack them on the side of the Channel, or that of the Mediterranean. To attack them from the Channel, would to seem the easiest and cheapest Method; but their Coasts are dangerous for our slipping, and we have no footing in their Country to land an Army as formerly we did: so that unless we could secure our selves of a Place of Arms, and a Magazine on their Coast, all that we can do on that side is to harass them by making frequent Descents, and burning their Country. This would put them to a mighty charge, fatigue their Militia, interrupt their Commerce, hold *Paris*, the Seat of their Government, in a continual Alarm, and oblige them to keep part of their Naval Force in the Channel, which would weaken their Efforts by Sea in the *Mediterranean* and the *West-Indies*, and by Land in the *Netherlands, Germany* and *Italy*.

From the Channel we may likewise attack the Coasts of *Portugal* and *Spain*; which being now the Allies of *France*, 'tis almost the same thing as if we attack'd ourselves; for the French must be at the Charge of the Defence, otherwise those Kingdoms being unable to bear it, must quickly abandon their Maritime Towns and Provinces to be plunder'd by us at Discretion, which would in a

little time bring them to a Sense of their true Interest, and oblige them to break off their Engagements with *France*.

And in the
Mediterranean.

The next thing to be consider'd is to attack them in the *Mediterranean*: for our Attacks on this side of the *Straits*, we might be furnish'd from our own Coasts, and on all Occasions have recourse to the Harbours of *England* and *Ireland*; and being once pass'd the *Straits*, the *Spanish* Coast lies open and defenceless enough, from whence we fall in upon the *French* Coast of *Languedoc* and *Provence*; which except at *Toulon* and *Marseilles*, is not capable of making much Resistance: and if once we ride Admiral of those Seas, the *Spanish* Dominions in *Italy* revolt to the Emperor of course, by which we secure our selves of Provisions in that Country, cut off the *French*, *Turky* and *Barbary* Trade, protect our own Commerce to those Countries, and give the Emperor an Opportunity of turning the main of his Force against the *French* upon the *Rhine*; so that finding themselves beset on all hands, they must speedily submit to such Conditions as the Emperor and his Allies would propose to them.

England
& Holland
able to carry on these
Attacks.

The Principal Objection against this will be, that we have not Naval Force enough to carry on all these Attacks, considering that *France*, *Spain* and *Portugal*, have each of them their Fleets, and will join together to oppose us. To this it may be answer'd, that *England* and *Holland* are known to be the chief Maritime Powers of *Europe*; and therefore it's hard to imagine that two such wealthy and potent Nations cannot fit out three strong Squadrons; which if they do with sufficient Provisions, and under good Command, the Naval Power of *France*, *Portugal* and *Spain*, is in no Condition to make head against us. Besides, we must look upon the *Portuguese* and *Spaniards* as Men that are press'd into the Service, and that by consequence will desert as soon as ever they see a fit Opportunity. From all this it is undeniably evident, that the principal Efforts of the *English* and *Dutch* must be by Sea; and it is a known and undoubted Maxim, that such as are Masters there, will soon be the like at Land.

To conclude this Point with an Observation or two. I remember to have heard, that General *Blake*, in the time of the Usurper, being sent to Sea with a limited Commission, he either could or would do nothing against the Enemy; but afterwards, when he had a discretionary Commission, he acted Wonders. Answerable to this, I find it to be one of *John de Wit's*, and *Van Aitzma's* Observations, That during the War betwixt the *Dutch* and *Spain*, the Men of War that acted by the Stadtholder's Commission, did neither annoy the Enemy, nor protect their own Trade to any Purpose; but the Ships fitted out by the Merchants of *Amsterdam*, and other private Hands, did both of them effectually, because they were under no such Limitations as those belonging to the States. Besides, they acted with no other View but the Preservation of their Trade, and humbling the Enemy, whereas they alledg that the Stadtholder was more intent upon spinning out the War, to establish his own Authority, than to bring it to a speedy Conclusion, to the Advantage of the Country; and therefore the Commanders that were under his Influence acted but faintly. May it not then deserve our Consideration, whether 'twere not fit to give our Admirals a more ample and unlimited Power; and likewise to encourage our Merchants and others, to fit out Men of War as the *Dutch* Merchants did, to protect their Trade, and to act against the Enemy as occasion offers? This would be one effectual way to prevent the betraying of Orders. For 'tis scarce possible to have any Cabinet so closely shut, but *French* Leuitores will find a Pick-lock to open it. If this be thought advisable by the great Council of the Nation, we have no reason to doubt of his Majesty's Concurrence; he hath graciously promis'd to agree to any thing that is needful to prevent our falling again under Arbitrary Power, and by the Peace of *Reswick* gave a sufficient Proof, that he prefers the saving of our Blood and Treasure, to his personal Safety.

Expedition,
etc. necessary to
make these
Projects effectual.

In order to make all these Projects effectual, Expedition and Dispatch are principally requisite. Our Experience may teach us the Danger of Delay: for had we been in a posture fit to have made a stand against the impetuous Torrent of *French* Usurpation, *Spain* had not been forc'd to throw her self as a Prey into the Arms of *France*; *Portugal* had not been forc'd to enter into a League with both of them; the *Dutch* had not been oblig'd to quit their Footing in the *Spanish* Netherlands, and to evacuate the Garisons there without receiving their Money: nor had they been put to a Necessity of drowning their Country, of raising such a vast Army, or of owning the Duke of *Anjou* as King of *Spain*, &c. nor should we in *England* have had the Dishonour of being oblig'd to follow their Example in that Particular, nor have been put to the Trouble

and

Expence of furnishing them Land-Forces and Men of War, according to the Treaty of 1677. The Venetians had been under no Necessity of being so shy in favouring the Imperial Army in Italy. The Neapolitans might have carry'd on their Plor, without being suppressed and massacred. The Duke of Mantua had been under no Temptation to sell his Country to France. The Electors of Cologne and Bavaria would have had no shadow of Pretext for betraying and abandoning the Empire. Liege, Bonne, Keyferswart and Rhineberg had not now been in the Hands of France, nor had Lewis XIVth's Naval Force been superiour to ours in the West-Indies.

If this Kingdom send such Representatives to Parliament as will make good the things that they have so frankly promis'd in their Addresses, we have no reason to doubt, but most of those Clouds will disappear which now obscure our Horizon. The Zeal of the Nation will then be exerted in vigorous Efforts against the common Enemy, and not spent in Party-Quarrels and intestine Broils.

The Advantages of a good Parliament to our selves.

Nor will the good Effects of this be confin'd within the narrow Limits of this single Island: Its Influences must spread universally over Christendom. They will have a quick and immediate Effect upon the Counsels and Proceedings of the Dutch, who when they find England in good earnest, will be encourag'd to act so too. This will soon extinguish or make of little use to the French, all the before-mention'd Differences in Holland and the Empire: our Influence will give such a Weight to the other Scale as must add new Life and Vigor to the Emperor, and such other Princes as espouse his Cause. 'Twill revive the Courage of the Austrian Party in Italy, and make their Designs to shake off the Bourbon Yoke successful. Had we but a commanding Naval Force in the Mediterranean, 'twould certainly bring over Naples, Sicily and Sardinia to the Emperor; and most of the Princes and States of Italy would fall into his Interest, tho we should do nothing else towards it, but visit their Ports, and buy Oyl and Wine. There's no Man can doubt of this that allows himself to consider, what just Cause of Jealousy all the Italians have of the Growth of the French King's Power, and how glad they would be to see him reduc'd. There's none that would more rejoice at such a Mortification, than the Court of Rome, the Republick of Venice, the Great Duke of Tuscany, and Republick of Genoa; they all of them dread his Neighbourhood by Land and his Power by Sea, whereas they have not the same Reason to dread the House of Austria on that account. 'Tis known that the Emperor has no Naval Force, that he is neither Absolute nor Hereditary Sovereign of the Empire, that his own Dominions are not so large nor so well situated to invade Italy as those of France; nor is his Sway in his Hereditary Countries any thing so absolute as that of Lewis XIV.

And the rest of Europe.

We have no reason to despair of Success in bringing down the Exorbitant Power of France, had we but Courage and Honesty to set about it effectually. Heaven hath declar'd for us in the beginning, and made the Emperor, when in a manner abandon'd by all Mankind, successful in Italy to a Wonder.

No reason to doubt bringing down the exorbitant Power of France.

As it is certain that the French King hath a greater Force and Treasure at his Command than any other Prince that ever yet attempted the Universal Monarchy, it is as certain that the Emperor, England, and Holland, are Masters of a much greater Force and Treasure than any Princes and Potentates that ever yet Leagu'd together at one time to oppose it. What Prince do we read of in History that ever had such a Naval Force under his Command, as his Majesty King William, who has that of England and Holland at his Call, and by his Interest in the Northern Crowns may have more if it be needful? Then what human Reason can any Man alledg to make us despair of Success, with such a Power, under such a Command, and employ'd in such a Cause? It will not be denied by any reasonable Man that has but a tolerable Acquaintance with Religion, and the publick Transactions of the World, that if we seek and rely upon the Divine Assistance with any measure of Sincerity, our Quarrel will entitle us to the Blessing of Heaven as soon as 'twill our Enemies. Then humanely speaking, there's nothing can defeat us, but want of Courage, Wisdom and Honesty; and if the Design should miscarry in our Hands, whilst we are thus circumstantiated, the blame will be certainly charg'd upon the latter. We and the Dutch together under the Conduct of a Woman, brought down the House of Austria when they bid fair for the Universal Monarchy. Then what else but want of Honesty can hinder our doing the like against the House of Bourbon? We are certainly much richer than we were then. Our Fleet now exceeds what it was in Queen Elizabeth's time beyond all Comparison. Our West-India Plantations, which enable us, if we have any good Conduct, to make our selves Masters of the French and Spanish Treasure, are infinitely Stronger and

Richer than in her time. We have *Scotland* united, *Ireland* in Peace and intirely subjected, neither of which were so at that Juncture: and as to the *Dutch*, 'tis known they were then indeed the poor and distressed, but are now as really the High and Mighty States of *Holland*; they are without all doubt incomparably Stronger and Richer than at that time; and, which is still an unspeakable Advantage that was wanting then, we are both under the Conduct of one Prince fam'd for his Valor and Wisdom. To this we must add, which is also highly considerable, that the House of *Austria* and most of the Empire is certainly on our side. This is a Thing of mighty Consequence, not only because of their own Hereditary Dominions and Interest in the Princes of the Empire, but likewise because of their Interest in *Italy* and in the *Spanish* Dominions, where many of the Grandees and others want only an Opportunity to shake off the *French* Yoke.

Our Enemy
has much
weaken'd
his King-
dom.

We are also to consider, for our Encouragement, that the Enemy we have to deal with, hath by an Infatuation from above, exceedingly weaken'd his Kingdom, by an ungrateful as well as impolitick Persecution of his Protestant Subjects, and by a long and unjust War. The Effects of this are visible in the Decay of his Trade, and the Consumption of his Mony; which puts him upon those inglorious and oppressive Methods to raise more, that we have a daily account of in his Edicts and Declarations. Besides, his Ambition to grasp at the whole *Spanish* Monarchy, puts him to a vast Additional Expence of Men and Mony, and obliges him to send great Sums as well as great Armies out of his Country, to defend his new Usurpations by Bribery and Force. This is just as if the Spirits should retire from the Heart to the Extremities of the Body, the Consequences of which must needs be fatal. He is under a Necessity to act thus, for he himself hath done so much towards the Ruin and Impoverishment of *Spain*, ever since his Accession to the Throne, that the *Spaniards* are in no Condition to support his Grandson's Pretensions, admitting they were really zealous to do so. 'Tis this alone, that will hasten his Ruin, and make him fall a Sacrifice to his own Ambition, if we and the *Dutch* take but any tolerable Care to prevent his being supported by the *American* Plate-Fleets: Which if we don't, it will be impossible for us to escape the Imputation of Folly and Treachery.

We have still this Great and Capital Encouragement to go heartily into a War; That by the League with the Emperor we are empower'd to keep what we conquer in the *West-Indies*. The last War was wholly carry'd on at our own Charge, without any hopes of being repay'd; but we have now a Prospect, nay, a Certainty of carrying it on at the Charge of our Enemies: If we fail in this, we cannot fix it upon the want of a due Care in the King our Sovereign, or upon the want of a generous Gratitude in the Emperor our Allie; so that the Blame will unavoidably fall upon our own Mismanagement; but it's hop'd the approaching Parliament will readily assist his Majesty to prevent that. We are the more oblig'd to take a particular Care in this, because if we don't improve it, there's nothing can be more fatal to us; for if we neglect or happen to miscarry in the Attempt, there's nothing in the Earth that could so much rivet the generality of the *Spaniards* in the Interest of *France*, and by consequence that can enable *Lewis XIV.* and his Successors to go on with the Design of the Universal Monarchy: for that bountiful Concession from the Emperor will certainly have much greater Influence to make the *Spaniards* live quietly under the *French* King's Yoke, than the Treaty of Partition could possibly have to make them accept his Grandson: and therefore 'tis hop'd this Nation will take care that what was intended as our great Benefit, may not become an irreparable Loss.

To draw towards a Conclusion. If we may judg of the Temper of the Kingdom, by the Addresses of the People, we have reason to conclude, that tho there were no such prospect of Advantage by a War upon the *Spanish West-Indies*, they are willing to bear their proportion of the Charge to bring down the exorbitant Power of *France*, and to have Satisfaction for the Affront she hath put upon the Nation, by offering to entail an Impostor on our Throne. 'Tis hop'd these Addresses will stop the Mouths of such as formerly oppos'd a War, on the account of the People's unwillingness to engage in a new one. For now we have Assurance of the contrary from themselves. And as this must needs be a great Encouragement to our Allies, who are thereby convinced of the Truth of what his Majesty told them, that they may rely upon us; it likewise keeps up the Character of the People of *England*, as a Wise and Magnanimous Nation, who know when a War is necessary, and have Courage to declare their Willingness to go into it, when they know it to be so.

May

May Heaven succeed our Efforts, till *France* be brought as low as to be no more a Terror to *Europe*, and till she be oblig'd to abandon the Pretender. Since *Oliver* forc'd the French King to banish our Princes, whose Legitimacy was never controverted; 'twill be truly unaccountable if we should not have the like Success against the Impostor. We have all imaginable Reason to expect it, if Heaven preserve us from Treachery and ill Conduct; for the Prince whose Title he has usurp'd is the known Hero of his Age, has a commanding Interest in *Holland*, has the Emperor and the greatest Princes of the Empire for his Allies; has all the Reason in the World to expect the Assistance of the Northern Crowns; is universally beloved by his own Subjects in all the three Kingdoms, and has Justice on his side.

Paradoxes of State, relating to the present Juncture of Affairs in England and the rest of Europe :

Printed in 1701.

Chiefly ground'd on his Majesty's Princely, Pious, and most Gracious Speech, Dec. 1701.

Nec Galea tegimur, nec acuto cingimur Ense :

(His habilis Telis quilibet esse potest)

At tua prosequimur studiosa Pectore, CÆSAR,

Nomina; per Titulos ingredimurq; tuos.

Ovid. Fast. l. 2.

THAT the particular Interests of Court and Country, of Prerogative and Privilege, of King and People, may be and at this Time are actually the same.

Interest of Court and Country the same at this time.

WE all remember when Light was not more opposite to Darkness, than with us the Court and the Country; as it must always happen when the latter offends one Religion and the former favours another, when the People are tenacious of their Liberty, and the King is grasping at Arbitrary Power. But the Uses of this Division being once remov'd, the Effects ought likewise wholly to cease, and with them all the Sourness, Divisions, or Contests which they produce. Our Courts since Queen *Elizabeth* were Popishly affected; his present Majesty, with the Successors in view, are sufficiently Protestant, and therefore as much united with us on the score of Religion, as their Predecessors were divided: for which Reason our Precautions against these could not be too many, as in those our Confidence cannot be too great; nor indeed is there any Dispute or Jealousy remaining about the Religion of our Princes.

When the Court and Country must be opposite.

All the natural Disunion since King *William's* Reign, so dextrously improv'd by signing Men, has proceeded from the ill Ballance still left in the State by the Insufficiency of our hasty *Bill of Rights*. But this is now for the most part (if not altogether) remedy'd by passing of the *Treason Bill*, the *Triennial Bill*, and those other Parliamentary Regulations which are not less valuable, tho' I have not time to mention them. We have in Reversion a Security for the Judge's *Bill*, the *Self-denying Bill* (which is already got in part) and the transacting of State.

Whence the Disunion since K. William's time has proceeded.

State-Matters in the Privy Council. There is also a Provision made against employing of Foreigners, pleading of Pardons against Impeachments, our Princes leaving the Realm without Consent of Parliament, or being of the Popish Communion, or any other than that of the Church establish'd by Law. Finally, by a Clause in the late *Act of Succession*, and by some Proceedings of the last Parliament (approv'd and comply'd with by the King) the Power of Peace and War is so far lodg'd in our Senate, that the best Patriots would hardly wish it more. Accordingly his Majesty has, in his late Speech, promis'd to lay before the present Parliament those *Alliances* he has since concluded, and such as are now depending as soon as they are perfected. There is no doubt but this Sincerity on his Part will be answer'd with suitable Gratitude and Confidence on theirs. His most implacable Enemies have found it impracticable to make us call his Religion in question: and after what he has done to restore, confirm, and enlarge our Liberty, one must be extremely impudent to think he can persuade others, or grossly stupid to be persuaded himself, that King *William* can ever harbor any Design to the Prejudice of our Constitution in Civil or Religious Matters: Whence it follows with the clearest Evidence, that at this time the Interest and Design of the Court and Country are the same, and that all such as endeavour to oppose or divide them are the real Enemies of Both.

No Distinction now in England but a French and English Interest.

II. *T H A T* whatever Names may have been formerly coin'd to distinguish Parties here in England, there is at present neither Whig nor Tory, Williamite nor Jacobite, nor any real Distinction but between those that are in a French, and those that are in an English Interest.

Since the late King James's Death there can be no distinction of Jacobite and Williamite.

WHEN all the Court, and a great part of the Church, were in direct opposition to our Civil and Spiritual Liberty, there was ground enough then for the Nicknames of *Royalists* and *Republicans*, of the Court and Country Party, of *High* and *Low Churchmen*, as every Man thought fit to rank himself, or was reputed by others, either with our late King against the establish'd Religion and Government, or with those worthy Patriots who bravely appear'd in their Defence: But the Interests of the King and People as to both these being intirely center'd in the present Government, no Person in his right Wits can now continue an Enemy to the Church or State on the Principle of Liberty; and consequently none be call'd *Royalist* or *Tory* for opposing, nor a *Commonwealthsman* or *Whig* for maintaining it. And so while there was a Ballance left in Europe with a Prospect of restoring the late King *James* without a Foreign Power, there might be some tolerable Colour for the distinction of *Williamites* and *Jacobites*: But this Ballance being now quite broken, the abdicated Cause and that of *France* becoming the same; King *James* himself being dead, and with him all the Ties of mistaken Obligations or Oaths; and nothing left but a pretended Prince and the Popish Religion to be introduc'd by French Arms (which e'er victorious here, they must be so over the World; or being victorious here first, cannot be afterwards resisted any where else) there is therefore now no Restoration but Conquest, no Faction but a Foreign one, nor any Prince in opposition to King *William* but the French King: or, to use King *William's* own better words, whatever may be the Names, there is no other real Distinction among us, but of those who are for the Protestant Religion and the present Establishment, and of those who mean a Popish Prince and a French Government.

Commonwealthsmen now the greatest Enemies to Civil Liberty.

III. *T H A T* the most inveterate Enemies to Civil Liberty, are those who would now act the part of Commonwealthsmen: and that the real Promoters of a Popish Hierarchy and Spiritual Tyranny, are such as contend for the Right of Presbyters against the Episcopal and Metropolitcal Authority in the Church.

Why they are so.

FROM what we have said under the two former Propositions, it is self-evident that all the Republican Pretences are quite out of doors, our Liberty being so fully settled, as to be above all Danger of falling at any Time hereafter under Arbitrary Power, as his Majesty promis'd in his first Declaration; or, if there be any thing wanting for its inward Perfection or outward Defence, he's still ready to do his Part; and, as he lately told us, we have yet an Opportunity so secure to us and our Posterity the quiet Enjoyment of our Religion and Liberties, if we are not wanting to ourselves. Such then as would now pass for Commonwealthsmen in opposition to our Constitution

Constitution (which is the best, the most equal, and freest Commonwealth in the World) are either those Enemies of our Happiness, who have no hopes of succeeding against us, but by continuing our Divisions; or they are superficial and ignorant Persons, who judge of Things by their Names and not by their Natures, and are not sensible of the Alterations which happen so frequently in the Circumstances of a Government, that as the Names are sometimes chang'd when the Power is still the same, so at other times the Power is actually chang'd tho the Name remains unalter'd. It was certainly as much a Virtue to oppose the Court when they were (as in *Charles* and *James* the Second's Time) designing to set up Popery and Arbitrary Power, as it is now an unpardonable Villany, when Liberty and the Protestant Religion are the only Pillars that support the present Government. To refuse Money now against the French King and his Vice-roys, because we would not formerly give any to French Whores and Pensioners, is a Conclusion worthy only of those, who, because most of the Bishops in other Reigns were made or gain'd to favour Popery and Slavery, will oppose their just Authority now, when they are employing it wholly for the Reformation of Manners, the support of Civil Liberty, and propagating the Power and Purity of the true Religion. What Injustice and Dishonour would some of her Sons do to the Church, as if she only admir'd the Bishops, when all of them were instrumental in the Cause of a Popish Successor, when their Creation was chiefly by the Interest of that Popish Successor, and a great Part of them were as Scandals to the Church pick'd out for being Men of no Letters nor Principles, the better to disgrace or betray the Protestant Religion; and as if, on the contrary, she despis'd and hated them now when they appear for a Protestant Successor, when no Order of Men is more hearty for Civil Liberty or the Support of the Reform'd Churches, when most of them have so distinguish'd themselves by their Learning, Piety, and Zeal against Popery, that the King in complying with his own Inclinations and the Desires of his People, thought likewise that he could not lay a greater Obligation on the Inferior Clergy of the Church of *England*, than to elevate these most eminent of their Members to the Episcopal Dignity? But this Subject is so copiously handled by others on occasion of the late Contexts in Convocation, that I will neither invade their Province, nor superfluously repeat what they have so well perform'd; only begging leave to remark, that all the known Enemies of the present Government take part with those of the Inferior Clergy, who oppose the Authority of their Metropolitan: insomuch that as at other times to have a good Opinion of the Bishops, and to support their Order, was the distinction of a good Churchman, this Disposition is now the ready way for a Man to lose with some People the Credit of being for the Church or Hierarchy.

When it was a Virtue to oppose the Court.

Bishops are now truly in the Interest of the Nation.

IV. THAT the Favour and Indulgence of the present Government towards the Protestant Dissenters (so much envy'd by a certain Party of Anti-protestant Churchmen) is so far from being disadvantageous to the Establish'd Church of *England*, that it is the surest and only Way of regaining all the Dissenters to the National Communion.

Indulgence to Dissenters the only way of regaining them to the National Church.

THE Toleration granted to the Dissenters is not only just in itself, settled by Law, and according to the genuine Spirit of Christianity; but the Effects of it show the Wisdom, as well as the Piety of those Gentlemen, who were most zealous to procure it, and that they understood the true Interest of the National Church the best of any others. How amicably, how peaceably, how brotherly do both Sides live now together! how few Books of Controversy on the Subject of their Separation, and how readily do the Dissenters come into our Assemblies, without the least Scruples or indecent Behaviour! 'Tis a plain Case that the Toleration, instead of increasing, has gradually diminish'd the Dissenting Interest, as must naturally happen wherever the Difference between the National Church and any others is not essential, and that at the same time there is no Persecution: for the Separatists not being frightned away by inhuman Rigor, the want of Charity, or any unreasonable Constraint on their Judgments, will freely converse with us, calmly debate, and not scruple to be sometimes present in the Publick Churches; which must needs by degrees convince them that their Differences were not so great as they were made, or they apprehended them to be: and when a Man does not conceive his Soul to be in danger, whatever better Regulations he

Toleration just in itself.

Dissenters
increase
where the
hottest Cler-
gymen are.

may wish should be made, yet he will not easily maintain a Nonconformity to the Establish'd Church. This is observable enough from the Increase of the Dissenters only in those Places where the hottest Clergymen have hardly submitted to the Toleration or Government, and from their Decrease where they are mildly treated by their Parish-Ministers and the Bishop of the Diocese. And nothing is better known, than that the Families of the Nobility and Gentry, as the Youth comes up, leave the Dissenting Way, and very few of them adhere except the old Persons who are daily dropping off by Death. How sincere and perfect a Joy should this create to those who are truly zealous for Religion, and Lovers of the Church of England! whereas, on the contrary, to the eternal Shame of those who falsely take upon 'em the Name of *Churchmen*, we find that they are not able to bear the Brightness of such a Prospect, or hear any mention of this future Prosperity of the Church, but with Indignation and gnashing of Teeth. Let all Murmurings therefore cease on this Account; and as *the King has shown how desirous he is to be the common Father of his People*, so let all those whom Nature, Religion, and their own Choice have made his Subjects, sincerely and unanimously join together for carrying on the Common Cause; and let those who ever ought to be united by their Interests, and have been lately united by their Common Danger, be united likewise out of Judgment and Inclination.

Those who
are for
Peace at
this Juncture
and
against
War, the
Enemies of
the Nation.

V. *THAT the Spirit of those, who, in the present Circumstances of the Nation and of Europe, would declare for Peace and against a War, is in reality a Spirit of Sedition, Intestine War, private Revenge and Cruelty; and tends directly to such a War, as must end in the Conquest of these Nations, and in the Establishment of a French Government in England by the Administration of the pretended Prince of Wales, as it is already in Spain by that of the Duke of Anjou.*

THIS needs very little Illustration, the whole Body of the People by their late Addresses having declar'd themselves of the same Opinion: for every Man of tolerable Capacity may perceive that if we do not heartily assist our Allies, they are in danger of being enslav'd by France, after which we cannot long hope to continue free. Yet such as love the Protestant Religion and the present Establishment, will lose every drop of their Blood before they part with those Blessings, not to be equal'd by any thing on Earth: and such as are no true Friends to either, will not hesitate to call in a Foreign Power to subvert the Government, and so to gratify their Revenge on those they repute their Enemies, for hitherto constantly opposing and disappointing their most pernicious Designs. And yet if either by raising a Civil War at Home, or by procuring an Invasion from Abroad, they should be so unhappy as to subdue their Native Country, no body can think but the pretended Prince of Wales would govern according to the Maxims of his Suppos'd Father as well as his Spiritual one, under the Influence and by the Direction of the French King, without any more regard for those who were the Instruments of establishing his Power, than for those and their Posterity who did what they could to keep him out. This Consideration ought to prevail with all those who own themselves Protestants, to lay aside those unhappy and fatal Animosities which divide and weaken them, and to act with a general and hearty concurrence for promoting the Common Cause of English Liberty and the Protestant Religion against French Tyranny and Popish Superstition.

France and
Spain as
much uni-
ted now as
under one
King.

VI. *THAT France and Spain are as much united as present under two Kings, as ever they can be under one.*

Fr. King
now dis-
poses of all
Affairs in
Spain, &c.

IF this was not plain the last Year, yet at present 'tis past all doubt; our Merchants, our Planters in America, and our common Sailors into the Straits, can give us a true Account. All the World sees that 'tis the French King, and not his Grandson, that disposes and orders all manner of Affairs in Flanders, Naples, Sicily, Milan, the West-Indies, and even in Spain it self. The Spanish Traitors, and our Writers or Haranguers for the Duke of Anjou, would do well to tell us what difference they can find between a second Son of France, a Bastard of France, the French King there in Person, or an Intendant or Marshal of France governing

verning for him. But this Proposition wants no proof, after we are told by his Majesty's own Mouth, that by the French King's placing his Grandson on the Throne of Spain, he is in a Condition of oppressing the rest of Europe, unless speedy and effectual Measures be taken: That, under this Pretence, he is become the real Master of the whole Spanish Monarchy; that he has made it to be intirely depending on France; disposes of it as of his own Dominions; and by this means has surrounded his Neighbours in such a manner, that tho the Name of Peace may be said to continue, yet they are put to the Expense and Inconveniencies of a War.

VII. THAT whatever may be alledg'd about the Emperor's immediate Interest to restore his Family, and placing his Son the Arch-Duke on the Throne of Spain, which belongs to him of Right; yet it is not true that the Emperor is Principal and we Seconds in this Cause, for England and Holland are and must be Principals in the War as well as He.

England & Holland Principals as well as the Emperor in restoring his Family to Spain.

THE very Dominions of the Dutch are more immediately concern'd than those of the Emperor, or any Prince in the Empire. Their Trade is in the same Circumstances with ours, which his Majesty, from the conjunction of France and Spain, very justly assures us will soon become precarious in all the Branches of it, and that we cannot hope our Peace and Safety at home should long continue; to which if we add the Destruction of our flourishing Colonies in America, and (what ought to be dearer to us than all these) the Preservation of the Protestant Religion, I think it is an unanswerable Demonstration that we are more principally concern'd than the Emperor, even if the French King had not given us so just and necessary a Cause of making War by the Indignity he has offer'd our King and Nation, in taking upon him to dispose of the Succession of our Crown, and accordingly owning and setting up the pretended Prince of Wales as Heir of the British Dominions. Agreeable hereunto are the words which one of the Imperial Ministers said last Year to an Englishman of my Acquaintance: 'You Gentlemen (I find) talk much at your Ease, and we must shift for our selves. But if we must, in the first place we are Catholics, and have one common Head; you Hereticks, and this Head against you: therefore if the Protestant Interest gives us up, we must needs obtain some good Terms by giving up the Protestants. In the next place, your great Concern and Holland's is Trade and the Sea; that concerns us nought, and we can give up that too. In the third place, you are of the French King's nearest Neighbours, and Holland once swallow'd, you will be as accessible (I suppose) as if join'd to the Continent; while we for our parts have a tolerable Barrier of Princes, the Body of Germany lying between, and so at least must be the last devour'd, the Austrian Dominions, Bohemia, Hungary, &c. being the most remote. And last of all, when driven thither, we have an old Enemy (our then sure Friend) to join with us; we'll call in the Janizaries, and shall have that Empire and the whole Strength of the East to confederate with us against the Western Power.—And what will you be, Gentlemen, long e'er it comes to this? To which judicious Discourse I shall add but one Question, Whether after another King is declar'd and set up against our own King and Establish'd Government, it be in the Power of Englishmen to chuse if they will be Principals or not; or what can be meant by the word Principals, but those who are principally Aim'd at, Provok'd, and Concern'd?

The Dutch more immediately influenc'd in the Union of France and Spain.

The Discourse of an Imperial Minister to an English Gentleman.

VIII. THAT it is not only safer, but easier to fight for all Spain, than a Part; and for the intire Restoration of the House of Austria, than for what may be call'd Satisfaction to the Emperor by some new and more fatal Partition Treaty.

Easier to fight for all Spain than a Part.

IF the End of the War be not to restore the Ballance of Europe (which cannot be done without restoring the House of Austria) but that it is to conclude only in some loose and uncertain Terms call'd *Satisfactions*; then, in the first place, can there be no Confederacy nor Grand Alliance strictly made, or any Alliance so call'd must be of little effect: since no State or Power of Christendom can heartily engage, where the Good of the Whole or their proper Security is not expressly design'd; but in such a Case every one in particular will be hastening to a Conclusion

of the War, and looking after the best private Terms for the longest Life. In the next place, with what Heart can we expect that the brave and uncorrupted Part of *Spain* should join or assist us, that the *Neapolitans*, the *American Creolians*, or any other Subjects of that Monarchy should rise or do any thing else in our Favour, if the End of the War be the setting aside their natural Prince's Right, and leaving them settled, and even in Fetters, under a provok'd Usurper? What can they do, but in despair make up with the French Government, and become good Subjects out of Indignation? Whereas if it appears that in providing for our own Security, we likewise really intend their Happiness, to deliver them from the French Tyranny, and to restore them to their antient Independence and native Privileges, under their lawful and natural Princes (who can have no Interest, or, being mistaken in that Point, cannot have so much Power to oppress them) then are we sure of their Concurrence and Assistance from within, which by universal Observation is known to contribute more to the regaining of Principalities than the strongest Forces from without; but both together are not to be resisted.

Not advantageous for England & Holland to conquer the Spanish Mines.

IX. THAT it is no way advantageous, but rather must be fatal to England and Holland, and their united Interests, to attempt the Conquest of the Mines in the Spanish West-Indies; and that the Possession of Gold or Silver Mines must not only be peculiarly destructive of our English Constitution, but is also necessarily ruinous to the Industry, Manufacture, Trade, Agriculture, Manners, Strength, and Riches of any People, and this in less Time than one Generation.

The Gold and Silver Mines have been destructive to the Spaniards.

THIS may truly seem a Paradox to many, but an easy Comparison may perhaps render the Thought more familiar. Suppose a Golden Shower should fall, and that a hundred Broad-pieces had been gather'd of it by every Labourer, Manufacturer, Sailor, and such sort of Men throughout the whole Kingdom; they would immediately forbear all Work, having ready Mony, and would purchase whatever they wanted from some other Country where Gold was not to be had so cheap. In such a Case I would desire People seriously to consider what would be the Consequence of a total Cessation of Labour only for three Months, and of the Importation of all Things for Luxury or Use from the Industrious abroad? 'Tis the having of Gold from their Indian Mines, that, more than all other Causes, has made the Spaniards so vitious, lazy, and effeminate, to neglect Merchandize, Handicrafts, and even the manuring and tilling of the Ground: nor would those of any other Nation apply themselves to Arms, or Arts, or any kind of Business, if they were in the same Circumstances. The Lust and Search of Gold in Princes and States, instead of Virtue, Glory, and Industry, has prov'd fatal in the Effects, and been derided, condemn'd and abhor'd by all wise Persons. When Cælius Bassus had persuaded Nero and his Court, that in his Grounds there lay an immense Treasure of Gold-Bars, Ingots, and Pillars, my Author Tacitus says, that immediately on the belief of this vain Story, Luxury increas'd again; and that the antient Riches were quickly wasted, as if more had been sent by Providence than they could spend in many Years. The Prince made great Donatives; and the Expectation of Riches was one of the Causes of the Publick Poverty. This Dream (for it was no more) had the same ill Effects as if the Treasure had been really discover'd. 'Tis likewise well known, that when the Buccaneers have come well stor'd with pecuniary Plunder to some of our Plantations, the Inhabitants could not recover themselves for a long time after, all sorts of Persons neglecting to work at Home, and getting their Necessaries from the adjacent Colonies, which had their share too in the Sufferings of the other, such as were dispos'd to be idle flocking thither, and never more perhaps returning to a frugal Course of Life. Let us not forget that the Possession of the Indian Mines would infallibly overturn our free Government, and in a small time make the Crown independent, which must bring us of course into the same Civil and Spiritual Servitude with the Spaniards: it being impossible by any Scheme or Laws to keep such a Spring of Treasure from falling into the Hands of the Prince. Any Attempt this way will offend the honest Party in Spain, and make them irreconcilable to the Common Cause; or, were their Assistance to be despair'd of or despis'd, yet it will be very difficult so to manage any Acquisitions in the Spanish West-Indies, without laying the Foundation

The Indian Mines would destroy our free Government. Any Attempt upon 'em will offend the Spaniards.

of an eternal Jealousy between us and the Dutch, which would at last unquestionably break our Union, divide our Interests, and could not but prove fatal to the Cause of Religion and Liberty. That such a Jealousy may be easily rais'd, there need not many Arguments; for 'tis well known that the Merchants of *Rotterdam* were almost in an Uproar on their Exchange this last Autumn, when they heard that no Dutch Men of War went with Admiral *Bembo* to the *West-Indies*. Let us therefore leave the Spaniards at home, or those in the *Indies* under our protection, in the quiet Injoyment of their *Mines*, for the publick Happiness of the rest of *Europe* and their own private Misery, being such dangerous Instruments in any Hands but of so Hydropick and infirm a Body. But if it pleases God to grant answerable Success to the Justice of our Cause, then we and the Dutch are indeed to blame unless we obtain the most advantageous Terms of Trading immediately to those parts of the World, and exchanging on the Spot our Commodities for their Gold and Silver, with an intire Exclusion of the French, and without the Danger of trusting our Effects or Returns with the Spanish Bottoms or Government. I am not ignorant that several People in *Holland* and this Kingdom, who are strangely misled by their Golden Dreams, will by no means relish this Doctrine: *Sed vincit amor Patriæ*; I chuse rather to be thought by such an ill Politician, than neglect to warn my fellow-Citizens of what I believe in my Conscience would corrupt their Understandings, Principles, and Manners, debase their Spirits, destroy their Industry, and soon render 'em an ignorant, vitious, wretched, cowardly, slavish, and superstitious People.

X. *THAT it is not injurious to the Interest of England, to have a Prince on the Throne who is not a Native of this Realm; and that there could not be greater Advantages expected from any Succession, than this in prospect of the Protestant Family of Hanover.*

Not injurious to England to have a Prince who is not a Native of the Realm.

OUR Experience of his present Majesty's Reign, is enough to convince us of the Truth of this Proposition. A Prince of Foreign Birth is the most likely to enlarge and confirm our Liberty, for fear of being suspected by his Subjects, who will be ever apt to grow jealous of his Actions; besides his having no Dependence in the Kingdom on the account of those concern'd in his Education, or of any Faction to animate and support him against their Adversaries. The Riches of his other Dominions will of course flow into *England* where he keeps his Court and Treasury, and where Application must needs be made to him for all sorts of Preferments. Then, if we would, as his Majesty directs us, in good earnest desire to see *England* hold the Balance of *Europe*, and to be indeed at the Head of the Protestant Interest, we could not have taken more effectual Measures than settling the Succession in the Protestant Family of *Hanover*, after the Decease of his Majesty and the Princess, and the Default of their respective Issues. I suppose they will not be counted the less Protestants, because they are of Foreign Birth, unless we allow of no other Protestants in the World except our selves: but the whole Family is not only so, and the *Electress Dowager* particularly educated in the Church of *England*; but by reason of their Territories in *Germany*, and their Neighborhood or Relation to the other Protestant States of that Country, they are on this Score, as well as from Principle and Interest, naturally oblig'd and in a better Capacity than any other Princes to maintain *England* at the Head of the Protestant Interest all over the World. And as for making us Arbiters and Supporters of the Balance of *Europe*, what other Family could do it so well as that of *Hanover*, to which the Country of *Zell* is to be re-united for ever according to the Right of Primogeniture, after the present Duke's Decease? They are the strictest Allies and best Friends which the King of *Sweden* has, on whom they have a very great Influence, both from the good Offices they have done him, in helping to restore his Brother-in-Law the Duke of *Holstein*, and from the advantageous Situation of their Territories to protect or invade his Dominions in *Germany*, particularly the Dutchy of *Bremen*. They are nearly related to most other Protestant Princes, to the King of *Denmark*, the Landgraves of *Hesse*, and the King of *Prussia*, whose Queen is likewise the present Elector of *Hanover's* Sister. They do not only thus reach every way northwards into the Trunk and Branches of the Protestant Interest; but even to the very Emperor himself, with whom they are in strict Alliance, and to whose favour they chiefly owe the Electoral Dignity, besides that the Queen of the Ro-

A Prince of Foreign Birth most likely to enlarge our Liberty.

The settling the House of Hanover for the true Interest of England.

mans is a Princess of that Family, and descended likewise from the Princess *Elizabeth* the Queen of *Bohemia*. There are a great many worthy Families in *England*, who had the Honour to serve this unhappy Princess, and her Son Prince *Rupert*, than whom there never was a truer *Englishman*, nor a stouter Assertor of our Religion and Liberty against the Practices of the Court after the Restoration. His Majesty's recommending, and the Parliament's admitting the House of *Hanover* to the Succession, their being of the Royal Line of *England* and undoubted Protestants, are Arguments that have obtain'd the Approbation of all the well affected People in the Kingdom; but those other Considerations will serve to confute the disaffected Party, when they would represent those Princes under a disadvantageous Character, for being of Foreign Birth or Education. Nor is there any doubt but the Parliament, besides the Bill of Attainder against the pretended Prince of *Wales*, will, as his Majesty directs, consider what further effectual means (by an Abjuration and otherwise) may be us'd for securing the Succession of the Crown in the Protestant Line, and extinguishing the Hopes of all Pretenders, and their open or secret Abettors; both Houses having already brought in Bills to this purpose.

In War for
our Liberty,
&c. Taxes
are not giv-
en to the
King from
our selves.

XI. THAT in this ensuing War for our own Liberty and that of the World, whatever is given in Taxes, is not given to the King, nor any Thing given away from our selves.

Magistrates
not able to
protect
their Sub-
jects with-
out Reve-
nues.

THE Condition of Mankind is such by Nature, that they all depend on one another; the greatest are as much oblig'd to the least, as these are to them; nor is there any Person high or low in such a State, as to be able to live without the Goodwill and Assistance of others. But nevertheless as no body is bound to bestow so much of his Labor or Goods as another may want, so 'tis plain that whatever he receives in consideration of his Pains or Commodity, is not given away by the other, but only exchange'd. Tho this Truth be self-evident in the Case of Servants, Traffick, Clothing or Feeding our selves, yet very few make becoming Reflections on it with respect to Magistrates, who are neither bound to spend all their Time for our Safety and Welfare, nor able to govern or protect us without those Revenues we allow them, to support their Dignity as well as their Power. The Reason why Men so little think of this matter, and are wont to grudge what they give to the Government, tho not what they expend on their domestick Necessaries, is, because the Benefits we enjoy from our Magistrates are common to all, and those things we purchase by our Money peculiar to our selves. I hope I need not use many words to persuade the People of this Nation that there is no Price too great for Liberty in general, nor the particular Constitution with which they are blest; and that it is not enough to preserve it from internal Corruption, but that it must be also defended from external Violence, which can never be done if the Balance of *Europe* be not actually restor'd, and effectually maintain'd. Whatever Taxes therefore are rais'd to effect those Purposes, we lay them out to our own Benefit, and we enjoy the Profit, but not a Farthing of 'em given the King, who tells us that he desires nothing that relates to any personal Expences of his own, but only presses us to do all we can for our own Safety and Honor at so critical and dangerous a Time. But if it should be objected that the greatest Part of this Money may be misapply'd, and squander'd away among idle Courtiers or Favorites, this King (whatever another would do) assures us he is willing that what is given should be wholly appropriated to the Purposes for which it is intended. That several ill Practices might happen in the Management of the publick Money I will by no means deny, and wish the Offenders might be discover'd and brought to condign Punishment; but that the King is not liable to the least Blame on this score, much less to have the Charge invidiously laid at his door, is evident to all honest and wise Men, and any others are desir'd to alledg what they can against his Appeal to the World: for such is his declaring that during the late War he order'd the Accounts to be yearly laid before the Parliament, and also gave his Assent to several Bills for taking the publick Accounts, that his Subjects might have Satisfaction how the Money given for the War was apply'd. But if such Bills of Accounts were neglected, insufficient, made to serve the Ends of Parties, to gratify their Piques, or to render them terrible to their Adversaries, and by such means to keep them under the Lash, in God's Name let the Blame be laid where it ought: for the King could do no more, neither as an honest Man, nor as the Governor of a free People. 'Tis our own Fault, if effectual Care be not taken to manage what-

ill Manage-
ment of
publick Mo-
ney not to be
charg'd on
the King.

what-

whatever we give, or if the Laws enacted to this purpose do not answer their End: and the King, to take away all Pretences from his Enemies and Suspicions from his Friends, generously tells us *he is willing that Matter may be put in any further Way of Examination, that it may appear whether there were any Misapplications or Mismanagements; or whether the Debt that remains upon us has really arisen from the Shortness of the Supplies, or the Deficiency of the Funds.*

To conclude, Since we have a Prince to whom we owe that Religion and Liberty of which we are yet posselt; of whose consummate Prudence and Experience, of whose Truth and Justice, of whose indefatigable Labors and heroick Valor in our Cause and that of *Christendom*, we have had such signal and constant Proofs; and since likewise we have had so long Experience of the Clemency and Moderation of his Government; since we have so perfect a Knowledge of those *just and pious Purposes* he is pursuing, and are so fully appriz'd, by his late most excellent Speech, of those Divine Maxims whereby he intends to govern us, and which must make us the happiest of People under his Reign: if we are any way wanting at this Time in supporting him, who is thus supporting all, then we must justly bear the eternal imputation and Brand of being the worst of Subjects and of English-men, the most inexcusable of all Protestants, the most lukewarm and worst principld of all Christians, the most detestable, and, in a word, the most ungrateful of Men.

A Character of King William.

Limitations for the next Foreign Successor, or new Saxon Race.

Debated in a Conference betwixt two Gentlemen.

Sent in a Letter to a Member of Parliament.

Printed a-
bout Feb.
1702.

Auctoritate suadendi magis quam jubendi Potestate.

Tacitus de moribus Germanorum.

S I R,

HAVE discours'd our Friend about the Succession, and find his Opinion to be as follows.

That tho it might be objected against as neither safe nor prudent to offer anything that looks like a Change in a Government already settl'd and in being; it cannot justly fall under that censure to offer advice in one that's to come, and depends intirely upon the Goodwill of the People.

Objected, that I conceiv'd he mistook the Case; for with us the Government could never die, the Monarchy was still in being, tho the Throne might be vacant. I answer'd, that the Distinction was frivolous, a Monarch and a Monarchy propose one another: when the Throne is vacant, the Government is in a sort of Widowhood, and may make terms before another Husband be accepted. He said me therefore to lay aside all those trifling Objections, and to come close to the point.

Government in England can never die tho the Throne be vacant.

I told him then that since there was a possibility of a failure in the Line of Succession, and that we must come to a New Choice, I should be glad to hear his Opinion.

He

He answer'd, that the Concern was great and momentous, and indeed fit only for the Thoughts of the United Wisdom of the Nation : But since I importun'd him, he would tell me his Mind freely ; and that we might proceed methodically, he would reduce the Considerations we were to go upon, to the *Terms* and the *Person*.

I told him, the Protestant Line was already fix'd upon ; and tho the Person was not nam'd, yet to insist much upon Terms afterward, would perhaps be look'd upon as something harsh, considering we had laid the Ground-work of our Constitution in the Claim of Right, and that we were scarcely to expect better Conditions.

England may justly expect better Conditions from a new Succession than at the Revolution.

He reply'd, that I my self had suggested in my Objection the best Answer that could be given to it ; for, says he, you own there were Conditions made with the Prince and Princess of *Orange* before they were declar'd King and Queen. You know what the Prince had merited at our hands before those Conditions were propos'd ; and that the Late King having abdicated, or rather being depos'd, the Princess according to the Law of Succession had the next undoubted Title. From all which it will plainly result, that if we made Terms with them who had both Merit, and an Antecedent Title to the Crown, we may very well be allow'd to demand a further Security for our Religion, Liberty and Property, from those that have no other Claim to our Crown than what must be originally owing to our own Good-will. This places the Merit in us, whereas the Prince and Princess of *Orange* (to set all other Titles aside) had merited at our hands what we confer'd upon them.

I answer'd, that he had very judiciously distinguish'd betwixt the Case at the Revolution, and the Case as it will probably fall out upon the failure of the present Line of Succession ; but had not yet convinc'd me that we could have better Conditions from any future Successor than what were granted us by his present Majesty in the Claim of Right.

He told me, that the words *Better* and *Worse* were not proper to be us'd in this Affair, lest they might be mistaken, and charg'd with such Explanations as neither of us intended by them ; and therefore he thought the words *farther Security* less exceptionable. This being agreed ; he went on, and urg'd that a farther Security was necessary, if it were but renewing of the *Claim of Right*, *mutatis mutandis* : But he was of opinion that a great deal more might justly be insisted on ; for, says he, you know that the Family next in the Protestant Line, are by Religion *Lutherans*.

We ought to have farther Security on account of Religion. Lutherans are bitter Enemies to our Religion.

Here I interrupted him, and said, But, Sir, you know the Electress Dowager of *Hanover*, who is nearest in Line, is a *Calvinist*. To which he reply'd, I know it ; but it's scarcely supposable she should outlive the King or Princess ; or suppose she should, the Times don't look with such a serene Aspect as to make us fond of chusing a Woman, who has not a Prince of *Orange* or a Prince of *Denmark* to fight her Battels : But admitting she had, her Sons are *Lutherans*, and you know very little of Men or Things, if you are ignorant of the bitterness, which those who call themselves by that Name have generally express'd against those of our Religion. We have smarted severely under Differences in Matters of Religion already, and may come to be thrown into new Convulsions on that account, if ever we should have a Prince of a different Religion from that which is establish'd in the Nation. Admit (says he) that a Politick and Ambitious *Lutheran* Prince succeeds to our Throne, and that he has a mind to make himself as Arbitrary in *England*, as most of the Princes are in *Germany* ; you cannot but know that he may readily fall upon a Method to effect it : He has no more to do but to fall in with our bigotted Ceremonialists, as all our Kings of the *Scots* Race ever did ; and provided he give them leave to persecute others, they will advance his Prerogative as high as he pleases : And thus we return to our old *Egyptian* Bondage. The *Lutherans*, you know, are rather for augmenting than diminishing Ceremonies in Worship ; and since we have more already than can be well accounted for, it's but necessary we should come to Terms with the next Foreign Successor, that there may be no Innovation made in Religious Matters. And this is one thing, says he, wherein a farther Security is necessary. Pray, says I, oblige me with your Expedient in this Case. He reply'd, Perhaps if you look further, you will find that our Royal Blood has diffus'd it self into the Family of *Brandenburg*, who are of our own Religion ; and tho they be more remote from the Line, yet since we have made several steps out of it already, we cannot be blam'd to take a step or two further for our Security, in so great a

An Expedient for it.

Point as that of Religion. But, continues he, if this be found impracticable, why may we not demand of the Family of *Hanover*, that which soever of them we think fit to confer our Crown upon, should be sent over hither to be educated in our own Religion, and acquainted with our Constitution? This they have no reason to think a Hardship, if it be true what I have heard, that they formerly bred one of their Sons a *Papist*, that he might succeed to the Bishoprick of *Osnabrug*, which by the Treaty of *Westphalia* is to be alternatively in the hands of a *Lutheran* and a *Papist*.

I reply'd, that the Elector himself was next in Succession, and 'tis probable would not let the Honour of being King of *England* fall upon any other during his Life-time. He answer'd, Why might not we be allow'd to pitch upon any of his Sons for our Crown, as well as the *Spaniards* are allow'd to pitch upon the Duke of *Anjou*, exclusive of his Father and elder Brother? And that seeing it was in our choice to pitch upon whom we would, it's not to be suppos'd the Elector of *Hanover* would controvert that Point with us.

My Friend went on with a long Discourse, and said, that it ought to be well weigh'd, whether it be the Interest of *England* to have an Elector of the Empire for their Prince? and whether such of that Family as happens to be our King, should not be oblig'd for himself, and the First of his Male Issue in all Generations, to renounce his Dominions in *Germany*? For, says he, tho it might probably be for the Honour of *England*, and perhaps for her Interest, to have her King an Elector of the Empire, because it would strengthen us by a considerable Foreign Alliance, and probably assure us of the Friendship of the Empire; yet we cannot be sure, but an Elector being once King of *England*, might have his Ambition enlarg'd with his Dominions: and since every Elector has a Right to put up to be chosen King of the *Romans*, it is not impossible but an Elector of *Hanover* being at the same time King of *England*, might make use of our Power to set the Imperial Crown upon his own Head, and make it Hereditary to his Posterity; which would it once deprive us of our King, and subject us to the Empire. Our Ancestors by the Statute of the 14th of *Edward* the Third, provided against the like Danger from our Kings succeeding to the Throne of *France*, and therefore such Precautions may be allow'd now as well as then.

Whether it be the Interest of *England* to have an Elector of the Empire for their Prince? and whether such of that Family as happens to be our King, should not be oblig'd for himself, and the First of his Male Issue in all Generations, to renounce his Dominions in *Germany*? For, says he, tho it might probably be for the Honour of *England*, and perhaps for her Interest, to have her King an Elector of the Empire, because it would strengthen us by a considerable Foreign Alliance, and probably assure us of the Friendship of the Empire; yet we cannot be sure, but an Elector being once King of *England*, might have his Ambition enlarg'd with his Dominions: and since every Elector has a Right to put up to be chosen King of the *Romans*, it is not impossible but an Elector of *Hanover* being at the same time King of *England*, might make use of our Power to set the Imperial Crown upon his own Head, and make it Hereditary to his Posterity; which would it once deprive us of our King, and subject us to the Empire. Our Ancestors by the Statute of the 14th of *Edward* the Third, provided against the like Danger from our Kings succeeding to the Throne of *France*, and therefore such Precautions may be allow'd now as well as then.

The like, says he, is to be said as to the Prince Electoral of *Brandenburg*, who is also a Branch of our Royal Line; and besides (continued he) to make any of those Princes King of *England*, without obliging them at the same time to renounce their Foreign Dominions, will create a Jealousy in our Neighbours the *Dutch*, the Northern Crowns, and other Princes of Lower *Germany*: for if our Crown should fall upon either of those Families, they will lie under a mighty Temptation to enlarge their Dominions beyond Sea, in order to make the Communication betwixt their Old and New Dominions more speedy and easy. This the Family of *Hanover* may attempt by falling down upon the *Elbe* and the *Weser*, and swallowing up *Brandenburg*, *Bremen*, *Emden*, &c. and the House of *Brandenburg* might do the like, by falling down those Rivers and the *Rhine*. All these things, said he, how remote and chimerical soever they may seem at present, ought to be consider'd, and the care, that if at any time we come to struggle with those Princes for our Privileges, they will have an opportunity of landing Men upon us from their Foreign Dominions, which may prove as fatal to our Liberty, as the *German* Invasion did formerly to our Ancestors.

Without his renouncing his Foreign Dominions will disoblige the *Dutch*, &c.

Thus, says he, you see that the Settlement of our Succession, if not duly weigh'd and attended with good Preliminaries, may both procure a League against us abroad, and increase Jealousies at home. This, said he with a mighty Emphasis, the mischievous Consequence of matching our Princes with Foreign Families; if our own Women, who are so much admir'd by all other Nations, were not worthy of their Bed; and as if our *English* Nation were so much degenerated, that we have not a Man amongst our selves fit for Empire, but we must first go to *Ireland* in quest of a King, then to *Holland*, next to *Germany*, and at last God knows whither. But I beg your pardon, says he; whither will my passionate Concern for my Country carry me? I design no Reflection upon his present Majesty, he is Son of an *English* Princess, was the Husband of another, and his Family the best that ever ours match'd with. But when the present Line fails, where can we expect to find another Prince of *Orange*, a Prince of our own Religion, bred up in a limited Government, where he learn'd to obey as well as to command; a Prince of such Virtue, that he refus'd of a Stadtholder to be made King of his Country, that

The Mischief of our Crown's matching with Foreign Families.

that would not overturn their Antient Constitution, but offer'd to sacrifice his Life in defence of it? A Prince that could unite a mighty Protestant Nation with us in the common Defence of Religion and Liberty. To what Foreign Prince can we have recourse now, that is able or willing to do such things for us?

What further Security must be insisted on from a Foreign Successor. I pray'd my Friend to recover himself from his Transport, and to come close to the Matter in hand, which was to consider what further Security must be insisted upon from the next Foreign Successor.

He answer'd, that to tell me his Mind in a few words, he thought those Heads that were at first put into the Claim of Right, but by neglect (or rather treachery) left out of it by some that were intrusted, ought to be insisted on.

I ask'd him what those Heads were. He reply'd, that he could not recollect all of them, but he doubted not there were Copies of them to be had; or if not, there were not wanting Men of that Observation in *England* who know what is necessary for the further Security of our Constitution; but that if I would have him to tell me his own Thoughts of the Terms, they were these.

Heads for our further Security.

1. That instead of a Triennial Parliament, we should have one every Year, or at least that the Parliament meet once every Year.

2. That they be secur'd against Adjournments and Prorogations, whilst upon Business of Publick Concernment.

3. That none having a dependance upon the Court, be capable of being Elected to sit in Parliament.

4. That no Nobleman be created but by Consent of Parliament.

5. That the Advice of the Parliament be taken in appointing the Lord Chancellor, Treasurer, Admiral, or Commissioners for executing those Offices.

6. That a Committee of Parliament be appointed to sit constantly during the Intervals of Parliament, to give advice in all arduous Affairs, superintend the Administration, and to make report to the Parliament at their next meeting.

7. That the Parliament be consulted in the naming of all Great Officers in the Church and Army, Militia and Navy.

8. That no Leagues nor Treaties, either for Peace or War, be made with Foreign Princes or States without Consent of Parliament, or at least without Consent of such a Committee as they shall appoint, which may sometimes be necessary upon the account of Secrecy or Dispatch; but the said Committee, as well as the Privy and Cabinet-Council, to be always accountable to the Parliament for the Advice they give.

9. That the King have no Power to refuse the passing of such Acts as shall be offer'd him by both Houses, without giving his Reasons for such Refusal, and naming those that give him such Advice, if it happen that he act so by the Advice of others: and if his Reasons are not such as evidently prove to the Satisfaction of the Parliament, that it would be to the disadvantage of the Nation to have such Laws pass'd, that he shall pass them notwithstanding.

10. That the Succession be so regulated, as upon the Death of every King, the Successor have his Authority confirm'd by Parliament, without which, or the Consent of their Committee, he shall not take the Administration upon him.

11. That the Parliament, or their Committee, be consulted, and their Consent requir'd, when Orders are issued for paying the Army or Navy, and the like for the raising and disbanding of Troops, and the equipping, sending out, and laying up Men of War.

12. That nothing of any Fundamental Alteration in Church or State, that is to say, as to the enlarging or diminishing of the Prerogative, or making Innovations in the Doctrine of the Church, be transacted in Parliament without Commissions from the Electors; the Matter being freely argued before-hand in a regular, not tumultuary Meeting of those Electors: and that then it be determin'd in Parliament by the Majority of such Commissions, after free and full debate, and a final Consultation of the Electors, if necessary.

13. That the Parliament, or their Committee accountable to them, have a joint Power with the King to direct in all Matters relating to Magazines, Forts, and Military Preparations by Sea and Land.

14. That the Parliament have their stated Time of meeting annually, enacted by Law, without dependance upon Proclamations to call them together, except on extraordinary Occasions; and that the Crown be declar'd forfeitable if any future Prince break in upon such Fundamental Constitutions as shall be agreed

on; and that in such a Case the standing Committee have Power to call the Parliament together.

15. That none but Natives of the three Kingdoms or of the Dominions thereunto belonging, be capable of Offices of Power and Trust in the Government, without consent of Parliament.

Well says I, You must needs be convinc'd that I have had a world of Patience to hear your extravagant Notions of Government. Don't you think in your own Conscience that such Conditions as these would dissolve the Monarchy, and reduce it to a Commonwealth, and that your Nominal King would be no more than a Stadtholder of *Holland* or a Duke of *Venice*? Do you think that any Prince who has a Title to our Succession by Blood, will ever submit to such Conditions? or if he pretend to do so, that he'll keep them? Will not he always expect to have the same Prerogatives which his Ancestors enjoy'd, and endeavour to recover them?

He reply'd, Sir, I have digested my Notions of Government too well, to be brought out of conceit with them by such a trifling Objection. Do you in your Conscience think that such Prerogatives as have been claim'd or usurp'd by any former Prince or Princes, are to be the Rule of Government for all that succeed him? Had King *William* been of your mind, he had never granted us our Claim of Right; nor had those Princes who from time to time renew'd and confirm'd our *Magna Charta*, ever been so just to themselves and us, but would still have pleaded or the full extent of Prerogative that any preceding Tyrants had usurp'd. I pity you and others of our young Men, who form to your selves Notions of Government from the Practices and Principles of the late Reigns: You had as good form a Notion of *Solomon's Temple* from the Ruins of it, that the Priests will now pretend to shew you at *Jerusalem*. I might at once answer your Objection in a few words, and tell you, that *cujus est instituere ejus est abrogare*, that those who settl'd our Government upon the present footing, may alter it into what Form, and subject it to what Regulations they please, provided they be not inconsistent with the Ends of Government. But because you shall have no cause to upbraid me that I am for an Arbitrary Power in Parliaments, tho I be against it in Kings, I tell you once for all, that the Divine Legislator having fix'd the End of Government to be for the Welfare of the Govern'd Society, the Protection of the Good and the Punishment of the

These Limitations will not dissolve our Monarchy.

bad; and that they are continually to attend upon this very thing: It is not in the power of any Government, be it in one Person or in many, to appoint any other end of Government. We are not to pay them Tribute that they may luxuriate in Wealth and Pleasures, but that they should attend the Executive Power or Administration: they imploy themselves otherwise, God will not own them for his Ministers, they must look out for another Master. The sacred Records teach us that by the best Constitution of Kingly Government, Rulers were to make the Law of God, and not their own Will and Pleasure, the Rule of their Administration. The People were not to make a Stranger their King, but one of their own Brethren. (It had been well for England had our Ancestors observ'd this instead of sending for the King of Scots) He was neither to multiply Horses, Wives, nor Riches; nor was he to have his Cart lifted up above his Brethren. These were the Conditions which the King of Kings impos'd upon the first King of Divine Appointment: here was no Power given him to levy Troops or Money at discretion, or to advance his Prerogative; he was not to carry it in a lordly and despotical manner over his Subjects, but to remember they were his Brethren. And we find that God himself approv'd the revolt of the ten Tribes from *Rehoboam*, when he broke in upon their Constitution, rejected the Counsel of the Elders, and would govern by the Advice of young Courtiers and Favorites that were bred up with him, and of Tories that were for giving him exalt the Prerogative to the detriment of the Peoples Liberty. I leave then to your consideration, whether the Divine Lawgiver hath not both in the Old and New Testament put Kings under stricter Limitations than those I have propos'd; and yet those Restrictions did not dissolve that form of Government, as you have thought fit to object. If you read the History of the Kings of *Israel* as recorded in the sacred Text, you will likewise find that while the Government continued regular and steady, the Successors to their Kings did not meddle with the Administration till they were confirm'd in their Authority by the Tribes, upon the reviving of the old Claim of Right, or making a new one. This is plain from the instance of *David*, tho they knew that he was by God's express order anointed beforehand. His appointing of *Solomon* to be King in opposition to *Adonijah* who

Rom. 14. from the 1st to the 7th Verse.

Deut. 17. from the 15th Verse to the end.

1 Kings cap. 12. throughout.

had usurp'd the Throne, does not enervate the force of this Argument; for we read at the same time that the People express'd their Consent by Publick Rejoicings; and besides, he was appointed by God to succeed *David* and to build the Temple. My Friend continu'd thus: But if you object that the Jewish Constitution is no Rule for us, I have answer'd you already, that the Apostle *St. Paul* hath confin'd the Power of Governments, of what Species soever, within as narrow Limits; and besides, I can shew you from undeniable evidence that our own Constitution, till the Reign of the two *Charles's*, allow'd us most of these things that I have now propos'd as Conditions to be requir'd of the next Foreign Successor. If you look into the Lord Chancellor *Fortescue's* Book *de Laudibus Legum Angliæ*, which was wrote on purpose to inform the Prince of *Wales* of the Nature of our English Constitution, he tells him that the Laws of this Realm restrain'd the King so as he could not tyrannize; that every King is oblig'd by his Coronation-Oath, when our Laws halt or are defective in any point, to set them to rights in Parliament, as often as Equity so requireth.

Fol. 26. b.

Chap. 53. fol. 129. a.

Parliaments always annually held till K. Ch. I. time.

In King *Alfred's* time, there was a Law that the Parliament should meet at London twice a Year, or oftner if need were, * which continu'd till the time of *Edward I.* In the 5 of *Edward II.* it was enacted, that a Parliament should be held once or twice per ann. The same was renew'd by the 36 of *Edward III.* It was demanded and allow'd in *Richard II's* time; and thus it continu'd till the 16 of *Car. I.* as appears by *Scobels* Collection 16 *Car. I.* Cap. 1. That those Parliaments were chosen fresh and fresh is evident, since there be Writs extant for new Elections for Fourscore Years successively; and it appears likewise from King *Edward I.* Letter to the Pope, dated June 19. in the 3d Year of his Reign, wherein he makes mention of his *Easter* and *Michaelmas* Parliaments; and that the *Easter* Parliament being dissolv'd because of his Sicknells, he would call another against *Michaelmas* to consider of the Pope's Demands. By this it's also plain, that the Method of Prorogations was not then known; and it may justly be question'd, whether it was not originally an Intrenchment upon the Property of the Subject and Freedom of Parliaments. The Liberty of the People of *England* was in those times so great, that *Knyghton* tells us, pag. 2682. there was an antient Statute, that in case the King wilfully absent himself, and will not come to Parliament, as having no care of vexing his People, nor regard to their great Expences, after 40 Days they were free to go home. Then as to the Influence of the Court on Elections, it was one of the Articles against King *Richard II.* and which he confessed thus, ' That altho by the Statutes and Custom of this Realm the People ought to be free to chuse and depute Knights for the Counties to be present in Parliament, to lay open their Grievances, and to prosecute for Remedies thereupon as they think fit, notwithstanding the said King, that in his Parliaments he might obtain his Will, which was rash, often directed his Mandates to his Sheriffs, that they should return certain Persons nominated by himself, which Knights he could oblige to vote as he thought fit, as he very often did, sometimes by Threats and Terror, and sometimes by Gifts, to consent to those things which were prejudicial to the Realm. By which 'tis evident, that our Brave Ancestors in those times had a very clear Notion of their Birthright, and that they were not to have Courtiers, or such as the King could influence, impos'd upon them as their Representatives in Parliament; and that since our Government consists of Three States, King, Lords and Commons, if we had not a certain and frequent meeting of Parliaments, we must be at a loss and uncertainty about two thirds of our Government, which is inconsistent with the Nature of it, and must needs occasion a lame Administration.

Then the Court had no Influence on the Elections.

It appears also from Sir *Henry Spelman's* Glossary, and King *Edward* the Confessor's Laws, which all succeeding Kings have been sworn to, that we had a yearly Folkmote which met upon the Calends of *May*, where they consulted of Peace and War, of the common Safety, and how to promote the publick Welfare: by which you may perceive that this Law for their meeting annually on the Calends of *May*, did execute it self without the Necessity of Proclamations to call them, and that matters of Peace and War were proper Subjects for their Advice.

Kings of England antiently claim'd no Negative Voice.

Then as to the Negative Voice, it appears by the Coronation-Oath formerly taken by the Kings of *England*, and twice particularly by *Richard II.* that in those times they claim'd no such Prerogative; for by the Oath they swore to observe and

* Mirror of Justice, pag. 10, &c.

confirm or corroborate those Laws which the People or Folk chose. But, says he, I know that you young Men don't care for looking over antient Records, and our old Law-Books and Historys, but suffer your selves to be impos'd upon by Clergymen and Universities: therefore I would advise you, since you love an easy way of being inform'd as to our Constitution, to read all that Mr. *Samuel Johnson* hath wrote, particularly his *Essay concerning Parliaments at a Certainty*, where you will find those things briefly related, and his Authoritys fairly quoted; and you ought also to read Mr. *Tyrrel's Bibliotheca Politica*, and Col. *Sidney's* admirable Discourses concerning Government.

I thanked him for his Advice, and own'd he had said very much to justify his Scheme of Government in relation to former Times, but that we were upon a new footing since the Restoration of King *Charles* the Second, and that we must take the Idea of our present Constitution from that Period; and therefore I doubted whether we could at this time justify those Claims he had mention'd, and particularly to make the Crown forfeitable.

He answer'd, that I was mightily out; that the Liberties of the People were the Gift of God and Nature, could not be forfeited by Prescription, nor justly given away; so that at any time they might be redemanded when usurp'd upon, or meanly surrendered. This he conceiv'd to be plain from the Nature of Government, as design'd both in the Old and New Testament, which he had already insisted upon: and it cannot be deny'd (continued he) that Nature prompted Men to enter into Societies and Communities for mutual Defence and Protection against the Injuries of one another, which was the Origin of Government; and therefore whenever any Governours transgress those Limits appointed by God and Nature, they become tyrannical, and the People have a just Right to bring them back to their antient Boundaries; and if they will not contain themselves there, they forfeit all Title to Government: For the Laws of God and Nature never endow'd any Government, of what Species soever, with an absolute and unlimited Power, but must all be directed to the Good of the Society; and whatever is not so, is absolutely inconsistent with Government. Besides, says he, the Advancement of the Prerogative to that height in the Reign of King *Charles* the Second, was by Treachery in our Representatives, who not only acted therein contrary to the Nature of Government, as has been already said, but without the Consent of those whom they represented, which our Ancestors had always a very great regard to. And it appears by Sir *Henry Spelman's Glossary*, that we had formerly Provincial Folk-motes, Parliaments, Assemblies, or call them what you will, which in Cases of Danger and Necessity met under the Alderman or Earl of every County: and certainly there can never be a more pressing Necessity for those Assemblies, than when the Liberty of the People is in danger by Domestick Usurpation. So that tho' all Commissioners to Parliament have a full and unlimited Power to better the Constitution, and make Superstructures, yet it does not appear that they either can or ought to agree to any thing, which intrenches upon the Peoples Fundamental Liberty, such as is that of exalting the Prerogative to the damage of the Subject, without the Consent of those Folk-motes, and the Corporations that send them: and even tho' their Electors should agree to any such thing, it is actually void of itself, because (as has been said already) it is contrary to the Law of God and Nature, and therefore may be revok'd at any time. He added, you know likewise that our History does not want Instances of our Kings being dethron'd and oppos'd for Male-Administration. The Stories of *Edward* the Second, *Richard* the Second, and the Wars of the Barons from time to time, are sufficient Proofs of it. The Instance of the Throne's being declar'd vacant upon the late King *James's* Male-Administration and withdrawing himself, is a fresh Instance of the People of England's asserting their Original Right. And since our Neighbours of Scotland have in their Instrument of Government declar'd the same Prince to forfeit his Throne, whom we declar'd to abdicate it, there's no reason but we should be upon an equal footing with them as to Liberty, which by comparing their Claim of Right with ours, it would seem we are not; and therefore what is their Claim that is not in ours, ought to be part of our Stipulation with the next reign Successor.

The First is, that no Papist can be King or Queen of the Realm, nor bear any Office therein. It's true, we have an Act of Parliament since, excluding Papists from the Throne; but the Claim of Right being a formal Stipulation between the King and the People, becomes the Basis of the Government, and cannot be altered in ours.

Liberties of the People the Gift of God and Nature.

Government must be for the Good of the Society.

Kings of England have been dethron'd for Male-administration.

What is in the Scots Claim of Right which is not in ours.

ter'd so easily as an Act of Parliament. There's a Solemnity in such Oaths that makes them Sacred; and we shall scarcely find a Parliament that will adventure to overturn such a Fundamental Constitution, with which they know the People to be universally satisfy'd; whereas Laws and Acts of Parliament are variable of course, one Parliament repealing many times what another hath enacted.

A *Second* thing is, That no Protestant Successor can exercise the Regal Power, till they take the Coronation-Oath, which plainly makes their Stipulation with the People the sole Foundation of their Authority, and their Breach of it a just Cause of Forfeiture.

A *Third* thing they insist upon, as one of the late King's Male-Administrations, was his changing the Nature of the Judges Patents *ad Vitam* or *Cul-pam*, into a Commission *de bene-placito*, to dispose them to a Compliance with Arbitrary Courses.

A *Fourth*, and indeed the most considerable Difference of all the rest was; that they declar'd the late King to have forfeited his Right to the Crown by these and other Articles of his Male-Administration. There are several other things wherein their Claim of Right seems to be better than ours; but these are material and weighty Things, wherein they have a visible advantage of us, which we have a Right to insist upon as well as they: and therefore those things ought to be part of our Stipulation with the next Foreign Successor.

And now that I am upon *Scots* Affairs, give me leave to add, says he, that in my Opinion the Consent of that Kingdom were fit to be had, before we come to an absolute Determination about a Successor.

Here I interrupted him, and said, we are not to have any regard to that despisable Country, nor to alter or delay our Measures for a Nation whom *Oliver* subdu'd with 8000 Men; we can force them to a Compliance when we please.

O. Crom-wel could not overcome the Scots if he had not had a Party among 'em.

Upon this my Friend took me up very warmly, told me I was ignorant of things: *Oliver* and his Party had before that time subdu'd the King and Parliament of England; his was not a National but a Party-Quarrel, and therefore nothing to the purpose. He had Friends in Scotland as well as in England, who divided the Nation among themselves; otherwise a People to whom King *Charles* the First dar'd not to give Battel with 30000 Men, would have despis'd *Oliver* and his 8000; and indeed it was their Contempt of him that chiefly contributed to his Victory. If you look, says he, into our Histories, you will find that whenever we attempted a Conquest of that Nation, it was when they were divided among themselves; that we always came off with loss at last, however successful we were at first, and that they distress'd us more than ever any other Enemy did. Our successive Conquerors, the *Romans*, *Saxons*, *Danes* and *Normans*, were oblig'd to fix their *ne plus ultra* in some part or other of that Kingdom, but were never able to reduce it to obedience; the Obstinacy of their Temper, and the natural Strength and Barrenness of their Country making them Invincible. But besides, says he, where's the Policy or Honesty of attempting that by Force which may be done otherwise? Let us treat them like Brethren and Neighbours, and they will join with us in every thing: *Oliver* did more with them by this Method than by his Arms; he was sensible that our *Edwards* I, II, and III, lost their Design upon that People by their cruel and forcible Methods; nothing less would satisfy those Princes than the total Subjection of that Kingdom, and the Destruction of their prime Nobility; which at last did so exasperate the Nation, that by hazarding all, rather than submit to such ignominious Terms, they recover'd all: whereas *Oliver*, after having broke the King's Party there, treated the rest mildly, set that Nation upon the same foot almost with us; which pleas'd them so much, that had not we attempted a Change in the Government by restoring *K. Charles*, they would never have troubled themselves about it.

Whether England should delay the Settlement of its Succession on the Scots account.

I reply'd, You shall never convince me that we ought to delay the Settlement of our own Succession upon their account; What can they do against a Nation that has ten Men for their one, twenty Pound for their one, and can harass their Coasts with a Fléeet, against which they have nothing to oppose? He answer'd, You talk as if Victory were always entail'd upon the greatest Numbers and richest Nations, as if you had the Winds and Seas at command, and that it were not possible for your Fleets to suffer by them. What did our numerous Armys, full Treasures, and great Fleets signify against them in the time of the three *Edwards*, above mention'd? What probability was there that they should have humbled *Charles* I.? What Strength had the *Dutch* to oppose to that of *Spain* when they first revolted? Do you think that Heaven has no regard to what's done upon Earth, that it

never

never makes oppressed Justice successful against oppressive Injustice? Have not they as good a Right to chuse their Prince, and appoint their Terms as we? Did not we quarrel with 'em upon that very Head in *Oliver's* Time, because they would impose a King upon us without our own Consent? And did not Heaven favour our Cause? Is Justice grown partial since that time; and can we reckon that lawful in our selves which we accounted unlawful in them? Let's follow the Golden Rule of doing to others what we would have them do to us. Whatever you Youngsters may do, Men of experience will consider things as they are; and I must tell you freely, that you may condemn the *Scots* as you please, but I think it will not be prudent for *England* to come to a final Conclusion either as to the Terms or the Person without the Concurrence of *Scotland*. You may see by the Proceedings of their Parliament about the Affairs of *Darien*, that their Resentments are come to a great height: When they make such vigorous Resolves against the Proceedings of our Parliament, and some of our Ministers of State, it's a token the Ferment is great; and tho' their Respect to his present Majesty keeps them within bounds at present, we cannot be sure that it will always be so. If we chuse a Successor without them, it's not impossible that they will chuse themselves another without any regard to us; and what the Consequences of that may be, let any Man judg. Suppose that we shall without them chuse the Elector of *Hanover*, and that they chuse either a Native of their own, or any other Foreigner, it will infallibly issue in a War. It's true, that in all probability we shall be too strong for them; but then we may be sure that they know this, and will strengthen themselves by Foreign Alliances. Our Union with the *Dutch*, is only cemented by the Life of our present Sovereign. If we chuse the Elector of *Hanover*, or any of his Issue, without obliging them to renounce their *German* Dominions, it will occasion a Jealousy in the *Dutch* and the Northern Princes, as has been already said: in that case they will be sure to join with *Scotland* to keep the Ballance equal. They can more easily supply them with Men and Ships than their old Allies of *France* could ever do, which makes our Danger so much the greater. Or let's suppose the *Scots* to be so politick as to chuse no Prince at all for some time, but that they form themselves into a Parliamentary Government, and make some of their own Great Men Lords Justices, according to the late mode in *England* and *Ireland* during the King's absence; and at the same time keep treating with the pretended Prince of *Wales* upon such Terms as may secure their Religion and Property: In such a case they may likewise have the Assistance of *France* and the *Dutch*, and Northern Princes, for Guarantees of any Treaty that shall be concluded. Then if all these, or any of these should happen to be the Case, shall not we have cause to curse our own Folly in not having prevented those things when 'twas in our power to have done it? Add to this, said he, the Condition of *Ireland*, their present dissatisfaction upon several Accounts, and the formidable Colony of *Scots* in the North of that Kingdom, who in such a case as this will be sure to favour their own Country. Is it not more prudent for us to shut all these Back-doors, than to leave any of them open?

I reply'd, that those were things I did not think of; and they seem'd so remote, considering we have still two Lives in the Entail, that I doubted whether they deriv'd any regard.

He answer'd, You always talk as if you were sure of every thing, as if Life and Death, Seas and Winds, Victory and Success, were in your own power: but wise Men will consider the uncertainty of all Humane Affairs, and by a cautious foresight provide against may-be's, as well as against things which are unavoidable. Besides, says he, the hastening of the Cause may hasten the Effect. If we make so much hast as to settle the Succession without the *Scots*, it may hasten their Provisions against the Dangers which they will probably apprehend from it, and perhaps occasion a rupture before the Entail be out; and therefore in my Opinion we shall be very unwise to put it to the hazard.

Well, says I, what do you propose then to avoid these melancholy Consequences, which your Fancy suggests to you? He answer'd, that he did not pretend to state to any Man, especially to such young Men as I who always abound in our own Sense; but he thought the Method easy and at hand, which was, to desire that the present Parliament of *Scotland* might be call'd, or rather a new one chosen, that his Majesty may have the more immediate Sense of that Nation as well as of ours, to go along with us step by step, both as to the Terms and the Persons; and then we need not doubt of a happy Issue. To that end 'twere necessary a stricter and indissoluble Union should, if possible, be form'd betwixt the two Nations; that

An Union
of *Scotland*
and *Eng-*
land neces-
sary in or-
der to set-
tle the Suc-
cession.

that in treating of this the Interest of different Parties and of Merchants should be laid aside, if it could not be made to appear that they overballanc'd the Advantage of such an Union, and were likewise inconsistent with it; for 'twas such narrowness of Soul and Principles as that, together with the Arbitrary Design of former Courts, that always obstructed the Union. For my part (continues he) I can see no more reason why the Difference in the Constitution of their Church, and Administration of Justice, should prevent the Union of the Nations, than the Difference in those respects between the Seven *Saxon* Kingdoms, obstructed the Union of the Whole under the Name and Government of *England*, or that the different way of administering Justice in *Wales* for many Years after their submitting to *England*, hinder'd our uniting with 'em. There are many Corporations and Mannors in *England* that have their peculiar Customs different from those of the Nation in general, yet no ways prejudicial to the common Union. It's the like as to the Seven *United Provinces*; they are so many distinct Sovereigntys; yet this does not hinder their Union, nor make any difference as to Privilege among their respective Subjects. So that *England* and *Scotland* might easily be united in general for Offence, Defence, and communication of Privileges, without intrenching on one another's Sovereignty as to what relates to their particular Constitutions; these also in time would come to cement, as have those of *England* and *Wales*. This would make *Great Britain* easy at home, and formidable abroad. The Parliaments of both Kingdoms, like the Provincial States of *Holland*, might continue as they are for the Security of their respective Liberties; and a proportionable number of both might, under the Direction of the King, regulate all Matters concerning the Union, as the States General do; but always with a *salvo Jure* to the Parliaments of both Nations, whose Advice they should take, and to whom they should be accountable. In order to this, it were requisite that the Names of *English*, *Scots*, and *Irish*, should be disus'd, and that the Distinction should be *South*, *North*, and *West Britans*; that as we are all of one Original, and under one Government, we should carry one Denomination. It were also necessary that those foolish Distinctions kept up by Badges and Days should be abolish'd, so that by degrees our Differences might be forgotten.

What
should be
done as to
Ireland.

As to *Ireland* in particular, says he, it's unreasonable that our own Offspring who conquer'd that Country, or our Children and Brethren who from time to time transplant themselves thither, should be look'd upon to be in the same condition with the native *Irish* whom they conquer'd, and lose the Birthright of *Englishmen*: Therefore a Temperament ought to be found out, to remove those Causes of disgust which that Nation complains of, and to prevent the like for the future. The better Conditions we allow our Neighbours, the more we assure our selves of their Friendship; and as the Case now stands, we have more need of securing our old Friends, than to make them our new Enemies. It's an unnatural and impolitic Defect our Administration hath hitherto labour'd under, that instead of joining these three Nations in one Common Interest, their Differences seem daily to increase: May Heaven ward off the Omen, and that whilst we are contending among our selves, we don't become a Prey to the Common Enemy!

I answer'd my Friend, That his Invention was fruitful, we would leave our Neighbours and come home again; what Prince did he think would take our Crown with such Limitations? or what Man upon Earth, that had a competent Estate, would not rather chuse to live at ease, than to be a King with such a Burden on his Shoulders?

Government is a
weighty
and pressing
Burden.

I perceive, says he, that you still retain your false Notion of Government: You think 'tis nothing else but to live in Riches and Pleasure, and have all things at command; but you are quite mistaken, for Government is in reality a pressing and weighty Burden, which is the thing in the World that it seems you are most afraid of, and think to be most inconsistent with Sovereignty. But wise Men never thought so, the best of Princes have own'd it, and found they were not able alone to support it. Thus *Moses*, a Prince of extraordinary natural Endowments, besides what he had of supernatural Assistance, found it too heavy for his Shoulders, and therefore chose able Men from among the People, Men of Truth, such as fear'd God and hated Covetousness, to assist him in it. But you fancy an absolute and almost uncontrollable Power is best for the Prince, and that he is injur'd if he be abridg'd in what the foolish World have thought fit to call *Prerogative*: whereas you have heard that by Divine Appointment the *Prerogative* is nothing else

else but a Power to do Good and prevent Evil, to encourage good Men, and punish wicked Men, to attend constantly on the Administration, and to have a Revenue from the Publick to support them in so doing. This is all the Prerogative that Heaven hath allow'd to Kings or any other Governors. What's more than this derives its Origin from some other place. That Power which Men of your Principles allow to Kings, puts them in the most dangerous Condition that can be, and sets them upon a Precipice, from whence they must unavoidably break their Necks. This Ambition of Princes of old made *Juvenal* say,

— *Sine Cade & Sanguine pauci
Descendunt Reges, & sicca morte Tyranni.*

Plato and Aristotle, who had nothing but human Reason to direct them, had a much better Idea of the nature of Government than you Court-bred Christians. They could tell us there was no surer Characteristic to distinguish a King from a Tyrant, than that the former sought the Common Good, and the latter his own Pleasure and Profit. And as to the burden of Government, *Cornelius Tacitus*, an able Statesman and Historian, owns it, when he says, *Nescit quam grave & intolerandum sit cuncta regendi onus.* Plato's Notion of Government.

Even in limited Governments, such as you have heard that of *Israel* to have been, you find that the best and wisest of Kings, *David* and *Solomon*, could not exercise their Power with Moderation, but were guilty of several Acts of gross Tyranny; therefore you have no reason to think it hard that wise Nations should put it out of the power of their Kings to turn Tyrants. I have told you already that the Lord Chancellor *Fortescue* own'd that there was such Wisdom in the Conduct of our Ancestors; and if we don't improve the Opportunity of putting the next foreign Successor under such Limitations as may secure our Constitution, we shall make ourselves unworthy to bear the Name of their Posterity.

For your Question, What Prince will accept our Crown upon such Conditions? The Kingdom of *England* may reasonably give the same Answer that rich Fortunes give their stingy Sweethearts, That if they will not make them such a Settlement in consideration of their Portion, they may let them alone. The greatest Tory among you, when he has a Daughter to dispose of, will take care to have a Dowry answerable to her Fortune, or *Sir James* and *Sir John* shall go without her. Could we but prevail with these Prerogative Sparks to be as just to their Country as to their own Families, we should not be troubled with these Objections. If the Prince upon whom we devolve our Crown, does not think it worth his while to grant us such Security, that none of its Jewels (I mean the Privileges of the People) shall be imbezled, I am of the Opinion that it will not be worth while to court such a Governor. Breda Declarations, in view of a Crown, are like fair Promises made to a rich Lady by an extravagant Gallant, which are quickly forgot when once he's in possession; and therefore since it's in the nature of all Men, but more especially of Princes, to promise more than ever they perform, or may be ever design'd, we cannot be blam'd to insist upon Conditions enough, that we may be the better able to dispense with the Breach of some of 'em, which we may very well lay our Account with, except the *German Line* prove better than the *Scots Line*. Whether any Prince will accept the English Crown with Limitations.

The Elector of *Saxony* (contin'd my Friend) is a much greater Prince than the Duke of *Hanover*, and yet you see he was ambitious of wearing the Crown of a Commonwealth, clog'd with heavier Conditions than any that I have propos'd, so that Crown cannot descend to his Posterity. Then certainly the Crown of *England*, which is infinitely more valuable in it self than that of *Poland*, besides its being hereditary by our Constitution, deserves at least as good Conditions as the Crown of *Poland*; tho I believe all good *Englishmen* will be satisfy'd with less. But because I am weary of talking, I will tell you my Opinion of the whole in a word, That whatever the Parliament does in the matter, it becomes you and me and all loyal Subjects to acquiesce in; the better Terms they make, the better it will be for them and us too; and come which way it will, we shall have neighbourly peace. We may talk without Doors, but they must determine within Doors; yet hope care will be taken, if a Successor be nam'd, to prevent Peoples going offensively to court the Rising Sun, that can have no other effect but to create Jealousies in those that are in possession: and perhaps if there be no Restraints laid in the way, some Parasites may make their court to the next foreign Successor, by teaching The Crown of Poland clog'd with heavier Conditions than that of England.

teaching them how to overturn our Constitution, as some are charg'd to have taught King *James I.* the smart of which we feel to this very day.

What might
be the Issue
of Eng-
land's not
fixing the
Succession.

I reply'd, That Years I perceiv'd bred Caution as well as Covetousness; and I should be glad to hear from such a cautious Man as himself, what he thought might be the Issue, if we should neither agree upon Conditions nor Person. He answer'd, You cannot be very apprehensive of any sudden Issue, either good or bad; since you just now told me that my Speculations were remote, because we have still two Lives in the Entail. The best thing we can do is to pray and take care that those Lives may be long continu'd, to take such Methods at present as may secure our Liberties for the future, and to trust God with the Event.

Ay but (said I) what if they should both die before a Successor be pitch'd on, will not that expose us to the Attacks of the *French*, in support of the pretended Prince of *Wales's* Title? He answer'd, the best way to prevent that is to join with the Emperor and other Princes of *Europe*, to bring *France* to such a Condition as she shall not be able to effect it; for if you let that Opportunity slip, perhaps all the Precautions you can take will not be able to keep out his pretended Highness, but you must submit to him by Force or Fraud. This is very like to be the Case, if *Lewis XIV.* don't think fit, as he has made one of his Grandsons King of *Spain*, to make another of them King of *Great Britain*; and be which of them it will, it's all one, they must be equally pernicious to our Liberty and Religion. Therefore, I think, since as you say we have two Lives in the Entail against a Foreign Successor, and not two Months time in Entail against a *French* Invasion, you Youngsters should be for preferring the present Security of the Nation to the Settlement of the Crown; but if you can carry them on both together, without letting the one interrupt the other, or doing that first which should be last, I have nothing to say against it. As for your mighty Fear of the want of a Successor, I don't think the Danger so very imminent: The two Persons in the Entail are neither of them so old, but they may still have Issue; or if they should not, there's no fear that Three Crowns will go long a begging, there will be enough to take them, and thank ye too. That which you dread as a mighty Plague, the *Dutch* and *Swissers* were forc'd to fight for as their chief Happiness against the most Potent Monarchies in *Europe*. If you ask them the Danger of having no Heir to the Crown, they will tell you, Would to God the Case had been theirs, they would never have spent so much Blood and Treasure to fight themselves into Commonwealths, under which sort of Government they are more happy and flourishing than ever they were before. Not, says he, that I am for exchanging the *English* Constitution with any other in *Europe*; but this I mention to shew you that what you Tories, and your Adherents, fear as a Curse, other Nations think not only supportable, but eligible: so that the worst that can happen to us, if our Succession be not settled before the present Entail determine, is, that we shall be at Liberty to chuse whom we please, and on what Conditions we think fit; the Nations may then freely join in Consultation for their present Safety and future Security, and take such Methods as they shall find proper to unite them. They will not then be so liable to the Intrigues of crafty Courtiers, who persuaded our Princes in former Reigns to keep us separate, that they might, on all occasions, make use of the one to frighten the other into a compliance with their Measures.

The Courtiers
in former
Reigns
endeavour'd
to keep
Engl. and
Scotland
separ. etc.

Thus the *Scots* bullied us with their Act for 20000 men, with six Weeks Pay and Provision, to march into any part of his Majesty's Dominions; and thus we Hector'd them again by sending down Forces to quell their Rebels, and to bring their Conventions and Parliaments to a Conformity. So that like Fools we have suffer'd our Monarchs to play at Loggerhead with us for almost 100 Years, whilst Foreigners laugh at us, and say, it's for want of Brains; for had it been otherwise, we should have been sensible of it before now, and consequently have taken care to prevent it. And this (said he) amongst other things, is one of the great Blessings we have enjoy'd by a Foreign Successor, without coming to previous Terms of Agreement. He added, that he did not see what more Danger could accrue to us for want of a Successor, than is like to accrue to the *Dutch* for want of a Stadtholder. Their Danger is greater than ours, because they are nearer the Enemy, and have but one Person in the Entail; and since they are unwilling to eclipse his Majesty's Glory, by appointing another Sun till his be set, I see no reason but we should have the same deference for his Majesty and the Princess. Successors are too often impatient, and make bold with the Lives of those that stand in their way; and

and some of our late Princes have been foully belied, if they were not too busy in that matter.

I reply'd, But when the Nations are left without a Head, they are not in a condition to resist unjust Pretenders, such as the Prince of *Wales* and others. He answer'd, That so long as we have Parliaments we can never want a Head; that care may be taken, if we cannot agree about the Succession, to have a Parliament meet immediately upon the determination of the present Entail; that none presume to declare any Successor, before the meeting of that Parliament, on pain of High Treason; that the Administration during the Interval be in the Name of the Kingdom: and whenever the Parliament meets we have no reason to doubt of saving our Government taken care of. It's well enough known what *English* Parliaments are capable of doing against foreign Invaders or domestick Oppressors; so that I think our Fears on that Head need not disturb our Quiet.

How England, if the Succession be not settled, may resist the Prince of Wales.

I know no reason why King *William* and the Princess should be fond of seeing their Coffins, no more than Queen *Elizabeth* was of seeing hers, as she signify'd to *Mary* Queen of *Scots*, when she press'd to be declar'd her Successor. We had as wise Counsellors in that Reign as any we have had since, and therefore have no reason to be asham'd of the Precedent. But to shut up all, I say now, as I said before, that the King and Parliament's Determination must conclude you, and me, and every Man else; and I assure you, for my part, I shall heartily submit to it, and pray that Heaven may preside in their Councils.

If they be of the mind that the Settlement of the Succession is necessary to obviate the Designs of those who by fraudulent Contrivances would bring us to accept of the pretended Prince of *Wales*, he does not deserve the Name of a Protestant, that will not venture his Life and Estate to stand by them in so good a cause: But this does not hinder that we should take all needful Precautions for the safety of the King and Princess; that we should make very good Terms with the person we chuse; that we should desire the Concurrence of our Neighbours, who are equally concern'd; and that we should make a narrow Enquiry into the Religion of our future King: for Religion is now become so cheap it seems even among Protestant Princes, that the first Protestant Elector hath barter'd his for a crown of Thorns, and not made half so good a bargain for his Conscience as *Esau* made for his Birthright. We have the more reason to be suspicious and inquisitive in this Matter, that we were for many years impos'd upon by our two last Princes, and look'd upon both of them to be very good Protestants, whilst they were sapng the Foundation of our Religion and Liberties. May the great God of Heaven and Earth deliver us from any more such Mistakes!

This is the Substance of the Conversation which I had with our Friend, which I leave you to make what use of you think fit. I am,

S I R,

Your Humble Servant.

First printed in Ch.
2d's Reign,
but re-
printed in
1701. as
very appli-
cable to
that time.

Christianissimus Christianandus: or Reasons for the Reduction of France to a more Christian State in Europe.

Odimus Accipitrem, quia semper vivit in Armis.

SECTION I.

Being an INTRODUCTION.

France fol-
lows the
Maxims of
the common
Enemy of
Europe.

CERTAINLY 'tis high time to think of making the Ministers of France better Christians, when 'tis apparent they have taken up the Principle of the Common Enemy of Christendom, and make his Maxims the Rules and the Measure of their Proceedings. Absolute Power at home, and Universal Empire abroad, is their Aim as well as the *Turks*; and seeing that by their Actions all the Duties of Christianity are laid in the Dirt, it were hard to determine under which of the Two Christendom would obtain fairest Quarter after an absolute Conquest. For tho France be Owner of the better Faith, yet the other keep Faith better; because all Travellers tell us, the Turk counts it Religion to keep Word and Promise.

Their Kings
have long
endeavour-
ed Univer-
sal Monar-
chy.

But (it seems) France may do any thing *Regnandi causa*, as we shall shew by and by, when we come to tell how little value is made of Promises, Obligations, Alliances, and the Sacraments. In these things they exceed the *Grand Seigneur*; but in Matter and Extent of Absolute Dominion they are his Rivals, and aspire to forestal him in his Design upon Europe, to become sole Masters of a Western, as he is of the Eastern Empire. And why not? Why should not *Lewis XIV.* have it now, as his Predecessor *Charlemain* had it heretofore? His great Ministers and Officers, both Civil and Military, say, They have ample Territories, and very populous, and a most numerous Nobility and Gentry, as much Courage as their Ancestors, together with the advantage of being train'd up either to Actions of War, or Warlike Exercises: also the Situation of their Country, and the Opportunity they have by it to invade their Neighbours upon all Occasions; the Fruitfulness and Riches of the Soil, the prodigious Quantity of all sorts of Commodities, Manufactures, and other ways, with which they supply neighbouring Countries; and lastly, the vast Revenues of their Kings, who governing of late without check or controul at home, are thereby the more able to oppress other States and Princes. They boast how *Charles VIII.* frighted all other Potentates by the surprizing Conquest of the Kingdom of *Naples*; how they contended with the *Austrian Family*, when it had been rais'd on a sudden to a wondrous Grandeur, by the accession of innumerable Provinces, united in the Person of *Charles V.* and that their King *Francis I.* had like to have carry'd from him the Imperial Crown, having to that end engag'd several of the Electors. But they forget to tell us, that when he had mis'd it, then to be reveng'd on the Emperor and the other Christian Princes, he was the first that taught the French Kings the most Christian Trick of making Leagues with the *Turks*; for so did he with the Great *Solyman the Magnificent*, as you may read in my Lord *Herbert's* History of our *Henry VIII.* And God prosper'd him accordingly: for tho he had several times the Turk's Assistance to carry on his revengeful Designs, to the hazard of all Christendom, yet at last he was forc'd to yield to the victorious Arms of that Emperor *Charles*, who took him Prisoner, and made him buy

buy his Peace at an extraordinary rate. But yet his Son *Henry II.* had better Success, and would have extended his Dominions very far, had he not been prevented by a sudden unfortunate Death; as did also his Successor *Henry III.*

Then came on his Successor *Henry IV.* and of him they boast, that he subdu'd *Henry IV.* Monsters of Factions at home, and afterwards reviv'd that monstrous Design of of France grasping all abroad; that having made good his Title to the Crown by the Success of his Arms, he bent all his Thoughts upon a Project, vast in the Extent of Preparations for it. it, as extraordinary in the Nature of it, intending no less than to cast *Europe* into a new Model, and reduce all the Kingdoms and Commonwealths that were in his time to a certain number, and to bring them into such bounds as he should think fit to prescribe to them; but to reserve to himself a Portion so considerable, as to have enabled him, or at least his Successors, to grow up into that state of Universal Monarch, which had been first imagin'd by his Predecessor *Francis.* To this effect he had made choice of his Generals, and other great Officers, furnish'd his Arsenal with mighty Stores of Arms, and collected prodigious Sums of Money into his Treasury; and then all came to nothing by a sudden unexpected Stroke which was given him by the hand of *Ravilliac.*

After him his Son *Lewis XIII.* Father of the present King, tho, by reason of Lewis 13. some Domestick Broils and Civil Wars, he was not at leisure to carry'd on his Designs. carry the Project of his Predecessors, by employing that way the great Armory and Wealth which his Father had provided, yet still he had an Eye towards it; and Cardinal *Richlieu*, with the rest of his Ministers, finding that the House of *Austria* was very near bringing all *Germany* under their Subjection, and after the Battel of *Prague* too'd fair to carry away Universal Empire (the Darling of *France*) they hasten'd, with what speed they could, to put an end to Civil Dissensions; and having got quiet at home, they being then courted by divers Princes for Assistance and Protection against the *Austrian* Family, were glad of the Opportunity: reckoning, that under shew of assisting weak Princes, they might at length take occasion to hare with them in their Principalities, and by that means vastly increase their own Power. And so they did subdue new Provinces, and considerable Towns in *Spain, Italy, Germany* and the *Low Countries*; which at last made the Princes as jealous almost of him, as they had been before of the *Austrian*: So that, to prevent further Mischief, they were content to sit down with their Losses, rather than trust their French Alliances any longer; which occasion'd that great Treaty held at *Munster*, which ended in a general Peace, Anno 1648.

Now before I proceed, give me leave, by the way, to make use of what is past in these few Observations, viz.

First, That had not *France* had a marvellous Wit, Courage and Fortune, it could ever have born its head above Water in the midst of so many Waves and Tempests of Discord and Rebellion, as were rais'd during the Reigns of those Kings, and yet continue still in a condition, after all, to maintain it self, and bid fair also against its *Austrian* Rival for the Mastery of a General Dominion.

Secondly, That in all Ages, as soon as their intestine Troubles have been over, they have still, out of a restless warlike Humour, endeavour'd to incroach upon their Neighbours, and for enlarging their own Lordship, laid hold upon all Opportunities to disturb Mankind; and they could never yet set any bounds to their ambition.

Thirdly, That this ambitious Humour of theirs, supported by the Greatness of their Power, would long before this time have brought all *Europe* under Subjection, their own Divisions and private Quarrels had not from time to time put back their Designs for many years, or had not their greatest Princes been cut off before they could have finish'd their intended Work.

Fourthly and lastly, as a Consequence of the three former, That it was, and *It is the* ever will be, the true Interest of all Princes to oppose the French Designs: or if true Interest they have at any time occasion to use them against other Oppressors, yet still to of all Prin-ces to op-
remember, That no Oppression is like theirs; and that they meditate it always, even in the midst of Friendship: and therefore that they are not to accept of their Assistance longer or farther than mere Necessity or publick Utility requires it; but to oppose the Fr. Designs. cut them off as soon as the Danger is over; as it was practis'd in the Peace of *Pas-
au* in the time of *Henry II.* and in that of *Munster*; in both which the French were revented of farther progress by the Jealousy of their Allies. However, in all such occasions, they ever made Acquisitions, and came off with great Advan-
ges.

French
Ministers
propound
his Ance-
tors to
their pre-
sent King.

In the Stories of such glorious Pranks of their Princes, it is that the French Ministers do pride and delight themselves; and to their Monarchs, when youthful, they propound them for Imitation. To this end, it was the care of Cardinal *Mazarine*, in the Minority of the King now regnant, to provide him an agreeable Tutor, that might form and fix in the mind of his Majesty the greatest Ideas of Glory and Warlike Enterprizes. This was the Bishop of *Rhodes*, his first Governor, who, as soon as his young Master came to understand Letters, instead of diverting him with Romances, entertain'd him in reading the Lives and Actions of the greatest of his Predecessors; but above all, recommended to him the Story and Model of a Great Prince, in the high Achievements of his Grandfather King *Henry IV.* as may be seen in a Book of his, written to that purpose, which hath since been publish'd.

Who indus-
triously fol-
lows the
Example of
his Grand-
father Hen-
ry 4.

This Prince, as well by his own Genius, as by the happy Success of his first Undertakings, hath relish'd such Instructions, and hath solely propos'd to himself that Example for the Rule of his Actions. The History of that Great King hath been his most ordinary Study. He hath, in imitation of him, taken care to accumulate a vast Treasure, and settled a mighty Revenue, sought for Alliances abroad, and successively rais'd many most numerous Armies. It's evident therefore, that he acts upon the very same Draughts; and that all we see at present, are but the old Projects of his Predecessors renew'd, and the Effects of those Impressions which he hath suck'd in with his Milk. Do but read the Book, call'd, *The Memoirs of Henry IV.* with those of the President *Jeannin*, and of the Bishop of *Rhodes*; and then conclude, that whatsoever his most Potent Grandfather had conceiv'd in his Imagination, this King intends to bring forth by the Power of his Armies, viz. A wondrous Theatre of Unchristian Glory, planted upon a mountainous Heap of Christian Skulls, to amaze and terrify Mankind into a Universal Slavery. For, as the Desire of Glory hath no bound, and in regard his Years and present Condition have put him into a capacity to run a longer Course than did *Henry le Grand*; so we cannot reasonably expect otherwise than that he, who hath so often cross'd the *Rhine* with his late Successes, will also, when he hath over-run the Continent, cross the *Natrow Seas* to make his Visits.

The Writers
of France
endeavour
to infuse
the Princ-
ple of Uni-
versal Mo-
narchy into
him.

His Penmen have taken a great deal of pains to nourish these Thoughts in him, and have no other Study but to feed this natural Humour of his Majesty, and transfuse it also into his Son the Dauphin, having wholly sacrific'd their Pens to infuse it, and tickle that native Desire of Glory which they have discover'd in them both. The great Rewards that have been given them for it, are authentick marks of the acceptance of their Service: and surely such Acknowledgments from a young high Spirit, that believeth himself to be in a Posture to execute all that pleaseth him, and who hath drunk down this Maxim, *That to take possession by the Sword any Title is sufficient*, must needs be a dangerous forerunning Sentence upon all the rest of Mankind, against whom his Ministers shall persuade him that he hath any thing to pretend. Which yet more clearly to make appear to us, we only need read the printed Books not long since dedicated to him; among which is one that carries this Title, viz. *The just Pretences of the King of France to the Empire*: which Book having laid down this for a Ground, *That the Dominions of Sovereign Princes have always been the Dominions and Conquests of their Estates*; and that the Dominions and Conquests of Crowns can be neither alienated nor proscribed; at length draws out these two Conclusions.

First, *That the greatest Part of Germany is the Patrimony and antient Inheritance of the French Princes.*

Secondly, *That Charlemain did possess Germany as King of France, and not as Emperor.*

What may not be drawn from such kind of Assertions?

*Nihil est quod credere de se
Ambitio laudata nequit*

If these things be believ'd in France, what may not the Scribes of France persuade their Master? May they not as well prove and persuade him, *That he wears the Titles of all other Princes within the Point of his Sword*? If one may judg of what is to come by what is past, all Europe will have cause enough to stand upon their Guard, and take the Alarm, to prevent the Machinations of the French Ministry, whose sole business 'tis to blow up the Glory of their Master to a mighty Bubble:

and

and 'tis indeed no more than a Bubble which he gets; he is at the expence, whilst they collect for themselves mighty Fortunes out of the Ruins of Mankind, and feed the Marshalls and the other great Military Commanders, with expectations of sharing other Princes Principalities, and, as fast as they can conquer, to be all made Princes.

S E C T. II.

Shewing how far the French Ministers receded from the known Rules of Justice in beginning this War.

HISTORIES tell us, That the Heathens made it a main point of Conscience, Heathens never made War without justifying Causes. never to begin a War upon their Neighbours or others, till they had for it good justifying Causes. Among them, for this Principle the Romans were most eminent; and therefore such Causes they in their Language term'd *Principia*; that is to say, *Beginnings* or *Principles*; intimating thereby that no War could be well begun without them, nor luckily end. Thus, in *Livy*, said the Rhodian Ambassadors in their Oration made to the Senate of Rome; *Certe quidem vos estis Romani, &c.* Certainly ye are Romans indeed, in regard ye place your Glory in this, that ye expect your Wars should prove successful, because ye take care that they be just in the Causes of them; and that ye look to the *Principia*, the *Beginnings* of them, that they be not without Cause undertaken, rather than to a victorious Event of them. Much might be said to this Point out of *Cicero*, and others that write of these Laws universally receiv'd among Nations. But, to be short, Writers on that subject do generally determine, That the just Causes of War are reducible to the three following Heads.

1. That it be undertaken for Defence. Or,
2. For Recovery of what hath been taken away. Or,
3. To punish Injuries done.

The just Causes of War what.

Some one of these ought to be ingredient in the beginning of a War, else it cannot have a just Cause.

Now therefore let us examine the French War by these Rules. We may remember, when it first began, the World was very much at Peace, and France so much before-hand in Power and Greatness above other Nations, that it needed not to fear any of its Neighbours, and consequently it had no necessity upon it, for occasion for Self-Defence. France had no just Cause of the present War.

Again, the Crown of France was then so far from having been rob'd by any other Nation, that it had aggrandiz'd it self above all proportion by the Spoils it had made of many Nations; nor was any of the Neighbour Nations in other state and condition in respect of the French Power, than as the Lark under the Hobby, not daring so much as to stir, but was glad to couch and lie close under the Oppressions and Rapines that had been practis'd upon them by the French. It were too tedious here to recite their Actions in their Neighbour Countries for Evidence, being notorious to the World, and to be collected anon out of our ensuing discourse. Had aggrandiz'd it self by the Spoils of other Nations.

Moreover, the French were so far from having any cause to make War to punish for Injuries done, that having been in that respect also beforehand with their Neighbours, most other Princes had then abundant reason, and much more now, to complain against Injuries of the highest nature acted upon them, and to punish them with such Revenges as are due to the Common Enemies and Disturbers of Mankind. Might justly be look'd upon as the common Enemy.

And truly, we may well take it for a kind of tacit Confession, that they had no Cause nor Occasion for beginning the present War, seeing that in a Declaration consisting of a very few Lines, which the French Ministers did put forth in the Name of their King before the invading of the United Provinces, there is not the least mention made of any Cause, save that it was for their King's Glory; because, in both, the Hollander had (but we were not told how) detracted from his Glory, and the Glory of his Ancestors. Not a word of any other Cause, nor of the Glory of God, whose Work it is usually to pour Shame and Contempt in the end upon all his Glory.

There

Heathens
always u-
sed to de-
nounce War
before they
began any.

There is also another Point which of old hath been in use, and that is a *Denunciation of War* before the beginning of it. *Collegium Fecialium*, a College of *Heralds* was instituted in old *Rome*, without whose Advice as the Roman Senate never made War, so having first refer'd it to them to consider of the Justice of their Undertaking, if they determin'd the Justice of it, then one of the same College was sent to the Enemy, before any Act of Hostility on their part, to denounce it. So *Cicero*, in his first Book of Offices, *Belli quidem æquitas sanctissime Feciali Populi Romani jure præscripta est*; that is to say, The Equity of any War was most religiously determin'd according to the Law of the College of *Heralds*. And they had certain Laws in that College which were call'd *Jura Fecialia*, by which they judg'd of the Justice of every War before they enter'd upon it. And when Wars were denounc'd, they were call'd *Promulgata Prælia*: For Justice being remov'd, what are Wars but grand Robberies and murderous Executions? Thus conscientiously and solemnly proceeded mere Heathens heretofore, and shall they not then rise up in Judgment hereafter against such French Christians? for their Ministers, not minding right or wrong, thought it better to begin this War by way of surprize upon the Dutch Republick, reckoning it a surer way first to get possession, and afterwards to leave it to the scrupulous Criticks of Law and Conscience to write and dispute about the Justice of the Work: no matter, whether it were righteous, as long as it was in their sense, and by custom, become a glorious Atchievement, to invade on a sudden, and oppress their Neighbours, having before given the World a proof of this good quality, by surprizing the Dominions of *Flanders*, *Lorain*, *Sicily*, and many other Countries.

France did
not so by
the Hol-
landers.

These things being said, and known too notorious to be denied, I suppose none can deny that the Rise of this War was against all the just Rules of Warlike undertaking: And all that they, or any body else, can have to say in excuse of them is, that they are born under a Necessity of giving trouble to all the rest of the World, in order to the Preservation of themselves at home; for if Wars were not found out for them abroad to entertain and exercise their young Nobility at the expence of their Neighbours, France alone would be too little to supply them. In truth, the Genius of the Nation is such, that it cannot indure to live long in the Idleness of Peace. They are of a nature so hot, that there must be Aliment for this Fire; and if some were not given it from abroad, it would form it self into Matter at home.

By War a-
broad they
keep their
Young No-
bility from
Tumults at
home.

To this natural Propension must be added the Custom of most part of their provinces, and the particular Dispositions of Noble Families, which give so great Advantages to the Elder Brothers, that they leave nothing almost to the Younger; but their Industry and Sword: And whereas they rarely betake themselves to Letters to obtain a Livelihood, and their Quality suffers them not to apply themselves to Mechanick Trades, there is nothing left 'em but the legitimate Robbery of War, or common Robbery, to preserve themselves from Want and Poverty. From hence it comes to pass, that their Kingdom always finds it self fill'd with an idle and boiling Youth ready to undertake any thing, and who seek Employments for their Valor at whose cost soever it be. The Liberty which they had heretofore to avoid this pernicious humour in Duelling, is at present taken from them by wholesom Decrees of their King; so that did not his Ministers find out a Foreign vent for their Spleens, by which they might evaporate, the Flame would be ever breaking forth within their own Bowels.

And keep
up the Re-
venues of
the Crown.

Moreover, as the greatest Revenues of the Crown of France rise out of the Purse of the People, so because the common Contribution cannot be exacted in times of Peace, without making a great many Malecontents; 'tis always necessary to feed and fume the airy Multitude with the smoke of some Conquests wherein they also are apt to glory, tho they (poor Creatures!) get no more by the chaining of Neighbor Nations, but to have more Fellow-slaves, and to have their own Fetters set the harder on, and fasten'd the firmer at their Heels. To which end the Grandees are always coining Pretences of Quarrels to continue in Arms, and maintain by Force that Royal Authority which hath so strangely overflown the Limits of their Fundamental Laws. It is otherwise impossible to satisfy all the Princes and Great Men of the Realm, tho the Princes are nothing so numerous now as they were in the times of *Henry III.* and *IV.* since which they have taken it up as a principal Policy to diminish the Princes as fast as they can. That is one course; and another is, always to hold them employ'd in Foreign Wars; and to incite them unto Glory, that they may be consum'd e'er long in ruinous Undertakings, to the Consumption of their own as well as other Nations. The Platform of which Device

And at
length de-
stroy the
Princes by
Foreign
Wars.

Device was first laid, and in part effected by Cardinal Richlieu, and in a great measure compleated by *Mazarine*, his Successor in the grand Ministry of State. So that you see how they observe the Rules of Justice, whether they deal with their own Princes and People or with Foreigners, be it by the way of War or Peace; making havock of all Mankind without remorse, to greaten a few of themselves: and that their King may be spur'd to drive furiously on, they have given his Fancy a fair Prospect of an Imaginary Throne of Glory at his Journy's end, on which they promise to place and elevate him above petty Monarchs, as sole Monarch and Emperor of the Christian Universe.

SECTION III.

Proving, That as they have observ'd no Rule of Justice in making War, so they have had little regard to it in observing Peace when made.

Would not make thus bold with *France*, were it not that there is a necessity for it. It is no time now to be mealy-mouth'd (as we phrase it) but to speak out, seeing all that is ours is involv'd in the common Fate of *Europe*: and our Cause cannot but be just, because we have had Patience, and try'd all manner of fair means to induce the *French* Ministers to grant a Peace, and we have born their Injuries to the utmost; among which this hath been no small one, That under pretence of allowing our King the Christian Office of a fair Mediatorship, they have at length, by going at the same time to ravish the rest of *Flanders*, thereby shewn plainly to all the World, that their Intent was merely to delude and abuse us.

The French Design in making the Peace.

In handling this Subject, it is our Concern to evidence how they have violated the Law of Nations, which is common to all, and prevents introducing such Maxims into the World, as would destroy the whole Commerce of Mankind, and render humane Societies as dangerous as the Company of Lions and Tygers. We are also no less concern'd to defend the publick Faith of Treaties against their Incesses, and subtle Evasions, to preserve the Law of Arms within the Rules and Formalities which the Consent of all Nations hath established; and to remove out of the sight of *Christendom* such scandalous Examples, which by lamentable Consequences would expose the Weaker to the Will and Pleasure of the Stronger, and could establish Force the sole Arbitrer of all Proceedings. We are to meditate such Courses and Means, as may stop a rapid Torrent, against the impetuosity where neither Peace, Marriage, Oaths, Blood, Kindred, Friendship, nor Condemnation, can be Banks strong enough to keep it within its Channel. It is to our purpose to defend the common Interest of all States and Princes, against a self Design, which hath for its Cause nothing but a predominant desire of Conquest; for its End, Dominion; for its Means, Arms and Intricacies; nor for its Limits any thing but what Chance will prescribe.

What is the Interest of England in the present War.

In a word, it's our business now to decide the Fortune of *Europe*, and to pronounce the Sentence either of its Freedom or Slavery; for betwixt these two no middle State can be attain'd, no Peace be assur'd. Other Princes must (as long as they can) oppose *France* to preserve themselves free; because *France* will never rest till she hath hung about their Necks the Yoke of Conquest: And if she could hearken in the mean time to a Pacification, know that you are not to enjoy longer than she, by gaining of time to form fresh Counsels into new Designs, she fits fit to make a new Rupture, and fall in upon you on a sudden, like a mighty Inquest. The *French* Faith hath of late years been mere Punick; no sooner given, than as soon broken: and she, by tampering with other Princes, Ministers and Subjects, instructs them how to manage their Faith in point of Truth to best advantage, and by a Metal of her own, tries what Metal they are made of e'er she deals with their Masters; and with this sort of White Powder, which does Execute without noise, shoots down more Castles, Citadels and Forts, and takes more Towns than all the roaring of her Cannon. It hath been observ'd, that when her Ambassadors go abroad, they carry along with them their principal Engines, or else they are sent after them. The truth of this hath been too notorious to the Emperor at *Vienna*, and in *Sweden*, *Poland*, *Hungary*, *Hanover*, *Bavaria*, *Munster*, and other places of the Empire: so that an Ambassador, or an Agent, usually goes before the Army, and a Conquest follows; which is a new way to Glory, unknown

England must in the present War decide the Fortune of Europe.

unknown to *Cæsar*, or any of the dull *Roman Conquerors*. But against an Enemy any thing now is glorious;

— *An dolus, an virtus, quis in hoste requirat?*

And if this course of corrupting other Mens Faith be a Virtue, 'tis no wonder she can so readily, without straining, quit her own, by a quick Discharge of all Agreements and Obligations. Old *Nicholas the Florentine* saith, *Rattles were invented to please Children, and Oaths Men*: that is to say, to make Men mere Children.

The Conduct of the Fr. Court under the present Ministry.

But the best way to satisfy the World about this matter, will be to give a brief Account of the Conduct and Carriage of the *French Court*, since the Ministers who are now in Employ there appear'd upon the Stage; who are not likely to relinquish those Methods which they were bred up in, nor to act upon any other Principles than those that were taught them by their two *Cardinal-Masters*. Of the latter of them, *Mazarine*, it is reported by many, that upon several occasions he had been heard to say, That it was a meanness in a Man of State-Employment to be *Eslave de sa Parole, a Slave to his Word*.

The Occasion of the Pyrenean Treaty.

We are not to seek for Instances how he and his Disciples have practis'd accordingly to this very day. Let us look back as far as that grand Treaty betwixt *France* and *Spain*, call'd the *Pyrenean Treaty*, the occasion whereof was this. — By the Mediation of the *Queen-Mother of France*, a Peace was set on foot betwixt that Crown and *Spain*, with a Proposition of a Marriage between this King her Son, and the *Lady Infanta of Spain*: The Ends of it were alledg'd to be,

A desire to give ease and quiet to their Subjects:

To put a period to the many mischievous Consequents of the War.

To forget and extinguish all the Causes and Motives of the Wars past; and to establish a sincere, intire, and durable Peace betwixt them and their Successors.

The Particulars insisted on by the Spaniards in it.

The Treaty being begun, it was ground'd upon two principal Particulars; and unless the *French* would grant those, the *Spaniard* was resolv'd not to proceed in it. The one was, That the *French* should forsake their Adherence to *Portugal*: The other was, That the *Infanta* should, upon the Marriage, make a Renunciation (confirm'd and ratify'd by the *French King*) of all her Pretences, Titles, or Claims whatsoever to the *Spanish Monarchy*, and all the Dominions thereof, or to any part of the same. And the Reason of it in the Draught of the Treaty is set down in these words: 'Lest the Glory of their respective Kingdoms should happen to decay and be diminish'd, if thro the said Marriage they should come to be united and join'd in any of their Children or Posterity, which might occasion to the Subjects such Troubles and Afflictions as may easily be imagin'd.

The French King by it abandons Portugal.

Next, as to the Exclusion and abandoning of *Portugal*, the *French King* oblig'd himself to it in these words: 'His said Majesty of *France* will intermeddle no farther in the said Business, and doth promise and oblige himself, upon his Honour, and upon the Faith and Word of a King, both for himself and his Successors, not to give to any Person or Persons thereof, of what Dignity, Estate, or Condition soever, either at present or in the future, any Help or Assistance, neither publick nor secret, directly nor indirectly, of Men, Arms, Munition, Victualling, Vessels, or Mony, under any pretence; nor any other thing whatsoever, by Land or by Sea, nor in any other manner: 'as likewise not to suffer any Levies to be made in any part of his Kingdoms and Dominions; nor to grant a Passage to any that might come from other Countries, to the relief of the said Kingdom of *Portugal*.

Mazarine notwithstanding promises them Assistance.

Now can any imagine more cautious and efficacious Words in a Treaty, to prevent a farther Assistance from *France* to *Portugal*, which was the main thing the *Spaniard* sought for by this Marriage? Yet, as soon as the Treaty was penn'd, and before the Instrument was sign'd, the most Eminent *Mazarine* sent privately the Marquis of *Chenes* into *Portugal*, to assure the *Portuguese*, that notwithstanding he could not avoid the putting such Words in the Treaty, in order to the Conclusion of it, as did engage *France* not to assist them, yet they might rest assur'd, his Master would never forsake them, but would continue to them his Assistance as much as before.

The abandoning of Portugal the essential Foundation of that Treaty.

For the more full clearing of this matter, viz. That an abandoning of *Portugal* was one of the essential Foundations of that Peace, and that otherwise it could never have been treated of, nor concluded; take notice that in the 60th Article of the said Treaty you may find these words: '[Forasmuch as we have foreseen and appre-

apprehended, that such an Engagement might have been an Obstacle not to be surmounted in the concluding of this Peace, and by consequence would have reduced the two Kings to a necessity of perpetuating the War, &c.]

And a little after, in the same Article it is farther expressed thus, '[Finally in Contemplation of the Peace, and seeing the absolute necessity wherein his most Christian Majesty finds himself, either to perpetuate the War by a Rupture of the present Treaty, which he perceives to be inevitable, in case he should have persisted to obtain from his Catholick Majesty in this Affair other Conditions than those which he had offer'd, &c.]'

Moreover, by the same Article it is evident, That whereas the *French King* offer'd then to the King of *Spain* to make Restitution of all the Places which *France* had gotten from him by Arms during the War, rather than he would have been by Treaty oblig'd to forbear a further assisting the *Portuguese*, the *Spaniard* utterly refused this Offer, as is apparent by other words of the same Article, as they follow: '[Offering, besides the Places which are to be restor'd unto his Catholick Majesty by the present Treaty, to render unto him also all the other Conquests in general which his said Arms have made in this War, and intirely to restore the Prince of *Conde*; provided, and upon condition, that the Affairs of the Kingdom of *Portugal* should remain in the state in which at present they are.]'

'Tis likewise out of Controversy, that this abandoning of *Portugal* was covenanted and promis'd by *France*, so authentically, and in such clear and special terms, that it is not to be question'd, nor be made subject to any Interpretations contrary to the true Sense and Intention of the Parties contracting; the Terms whereof are these: '[His said Majesty shall meddle no more with the said Affair, and doth promise and oblige himself upon his Honour, and in the Faith and Word of a King, for himself and his Successors, not to give unto the aforementioned Kingdom of *Portugal* neither in general, nor to any Person or Persons of it in particular, of what Dignity, Estate, or Condition soever they may be, neither for the present, nor hereafter, any Aid or Assistance, publick or secret, directly or indirectly, of Men, Arms, Ammunition, Victuals, Ships, or Monys, under any pretext; nor of any other thing that is or can be, by Land or by Sea, nor in any other Fashion. As likewise, not to permit that any Levies shall be made in any of his most Christian Majesty's Kingdoms and Estates, nor grant free Passage to those which may come out of other Countries to the help of the aforesaid Realm of *Portugal*.]'

Nevertheless 'tis evident, that they immediately fail'd in every Point and Circumstance of this Promise, inasmuch that as in the very time of the publick making of the said Treaty they were privately tampering with the *Portuguese*, and gave them under-hand Assurances; so at the Conclusion of it, the Bonfires which were every where kindl'd for Joy of the Peace, were not quite extinguish'd, when an evident Breach of the Treaty was observ'd, in the *French* sending Auxiliary Forces into *Portugal*. At the beginning under the Name of *Mareschal Turenne* divers Troops were rais'd and convey'd into *Portugal*, with Arms and Ammunition; as if *Turenne* durst have presum'd to do such a thing without the Privy and Consent of the Prime Ministers: And when the *Spaniard* by his Ambassador complain'd of this, he deluded him, by issuing forth publick Orders to the Governors of their Ports, That no Soldiers, or Arms, &c. should be suffer'd to embark for *Portugal*; but those Governors better understood their private Lesson, and so let them pass by connivance. But at length they began to act openly, and notwithstanding the Treaty they had made with *Spain*, they enter'd into an Offensive League with *Portugal* against all its Enemies; in which the *French* had so well provided for themselves, that by Agreement they were to have all the Sea-Towns deliver'd to them which should be taken from the *Spaniard*.

The truth of these things was not only manifest in Fact, but it was also testify'd by letters which the Ministers of *Spain* had intercepted, That after the Peace made betwixt the two Crowns the Court of *France* had fomented the War with the *Portuguese*, and order'd them from accepting those advantageous Conditions which *Spain* had offer'd 'em, animating them by a hope of mighty Succors, not only for their defence, but also for carrying an Offensive War into the very heart of *Spain*. Among these were many of those that had been written by the *French Minister* Monsieur de *Lyonne*, and the Archbishop of *Ambrun*, to Monsieur de *Schomberg*, which prov'd the continual Correspondence that was betwixt them for the Direction of that War. And to promote it, 'tis known that in 1672. the Duke of

Fra. fail'd in every point of it.

Did privately animate and assist the Portuguese against the Spaniards.

Beaufort came with his whole Fleet upon the Coasts of *Portugal*, where he spent a part of the Summer to secure a Passage of Victuals and Ammunition, whereof the Portuguese were in extreme want; and this at the same time when they were offering *Spain* their Mediation to make an Accommodation with *Portugal*. Not to omit how one of the Prime French Ministers, *Monsieur Colbert*, privately made several Voyages thither to encourage them, and contract a more strict Alliance with them, and to open a way for the bringing about a League Offensive; which in some time after was concluded with the Portuguese, with these following Conditions: 'That they shall be the Friends of their Friends, and the Enemies of their Enemies, excepting *England*: That *France* shall furnish them with as many Men as they need to carry on an Offensive War in *Spain* both by Sea and Land; shall advance by way of Loan the half of their Pay, for the entertainment of Auxiliary Troops; and that they shall furnish them every Year under the same Title of Loan, with the Sum of Three hundred thousand Crowns: That all the Ports which they shall take in *Spain*, either upon the one or the other Sea, shall be put into the Power of *France*: That they shall not treat either of Peace or Truce without common Consent; and that this League shall last for the space of ten Years.

No Credit
to be gi-
ven to any
Engage-
ment made
by France.

By these Particulars it is apparent how little Credit is to be given to *France* in the most solemn Engagements that she can make to any Prince, about any Matter whatsoever. For, that a Treaty manag'd in order to a Marriage between Princes (which is one of the most Solemn Subjects that can be handled among Men) and confirm'd by Oath, with the most Sacred Mysteries of their Religion, at the High Altar, for a punctual Observation, should be thus palpably broken, is not to be parallel'd by any Instance or Example in all the World beside. But 'tis not in this Business of *Portugal* alone that a Breach was made; that which is more considerable is, That as soon as the French saw opportunity, after the Death of the late King of *Spain*, they started up a Claim for their King, in the Right and Behalf of his Wife the *Infanta*, notwithstanding her solemn Renunciation formerly mention'd, which was entred into the Body of the Treaty, and as sacredly sworn to; pretending that a great part of the *Spanish Low-Countries* was devolv'd to him in her Right, by the *Municipal Laws of those Countries*: whereas 'tis known, that when Princes enter into a Treaty, it is regulated and confirm'd according to the *Law of Nations*, common to all; and being so to be understood, it is ridiculous among Civilians to imagine that a Consideration of *Laws Municipal*, or Customs belonging to any particular Country under the Dominion of either of the Treating Princes, can intervene, or be admitted afterwards to the overthrowing of the Treaty, or the depriving either of the Parties of the Benefit and Security which he hath thereby. It's a thing not to be nam'd among States-men; for without the Renunciation, the Treaty had never been agreed on; and it was so carefully penn'd, as if a Grand Council of Civil Lawyers had been call'd to undo all former Expressions us'd in such Contracts, and to find out new binding Clauses to take off all possibility of Evasion: And yet against the very Sense and End of that Renunciation, the French (as all Men know) under that so slight Pretence of a Claim, fell foul on a sudden upon *Flanders* and other Parts with their Army; which was their First Invasion upon those Countries after that Treaty.

The French
King's In-
vasion of
the Low-
Countries,
attended
with im-
prizing Cir-
cumstances.

But 'tis farther observable, That this Invasion, so contrary to the French Engagements, and so destructive of the very Essence of the aforesaid *Pyrenean Treaty*, was attended with some Circumstances no less surprizing than the Breach itself. The one was that which pass'd at *Paris* between the *Marquis de la Fuente*, Ambassador Extraordinary of *Spain*, and the French King. And the other was what the Archbishop of *Ambrun*, Ambassador of *France* in the Court of *Spain*, declar'd there in his Master's Name.

As to the First, *Fuente* having receiv'd a Call home to *Spain*, and being jealous that the great Preparations then made in *France* were intended against the *Spanish Dominions*, he thought fit to press the French King, to give his Mistress, the Queen Regent of *Spain*, some new Assurances that might quiet and settle her Mind against the many strange Reports of his intended Preparations. Thereupon that King did, with all possible Asseveration, engage his Royal Word and Faith, that he would religiously keep the Peace, and continue an intire Amity to her and the young King her Son.

As to the Second, note, That whereas not long after the French Army took the Field, and had possess'd it self of *Charleroy*, about four or five days before the News could arrive at *Madrid*: yet the said Archbishop of *Ambrun* being expostulated with about it, did in *verbo Sacerdotis*, and upon all that is most Sacred among Roman Catholics, protest and vow to the Queen-Regent, that his Master intended nothing less than what was reported of him; and that he knew he would never break with the King of *Spain*, nor invade any of his Dominions as long as he was under Age.

—*Sic sevis inter se convenit Urss.*

O! how well do the French Ministers and their Embassadors agree with one another. to effect their Master's Business and their own! For, it was not many days after this, that News was brought to the Spanish Court how fairly the French had kept their Word, having enter'd and practis'd all manner of Hostilities upon *Flanders*, firing many considerable Towns, and wasting the Country, proceeding so outrageously, and so far, that *England* and the Neighbour Princes taking the Alarm, and expostulating the Matter with *France*, it brought on another Treaty which was held at *Aix*, i. e. *Aix la Chapelle*, to make a new Agreement betwixt *France* and *Spain*; about the observation whereof we have afforded is another Instance of French Fidelity.

Unto this Treaty all the Princes of Christendom were invited, to take care of the Common Security; and his Majesty of *England* among the rest, who sent also a Minister to the Protestant Princes of *Germany*, to invite them into the Guaranty of the said Treaty of *Aix*. Proposals also were made to the Duke of *Lorain*, and several other Princes, to come into the League then to be made; to which the *Duc de Lorraine* immediately accorded, hoping that by this Treaty he might have better luck with the French, than he formerly had with them by the *Pyrenean* Treaty.

But before we proceed, it will not be amiss to remember you how the French kept Faith with this poor Prince, whose Interests had been provided for by the said Treaty, as well as those of *Spain*, and his Dutchy to be restor'd to him, with all the Places and Towns which he had been possess'd of within the Bishopricks of *Metz*, *Toul*, and *Verdun*. But see how *France* dealt with him: They defer'd it as long as they could the performance of that part which related to the said Duke, and refus'd him to restore him his Country, till they had brought him to make another Treaty with them in prejudice of the former; whereby he was forc'd to part with several considerable Places, over and above what had been granted to him by the General Peace. And yet this would not serve their turn: For, after he oppress'd Duke had enjoy'd a Year and a half but a very unsettled Possession, during which, under several artificial unjust Pretences, new Quarrels were pick'd every day, they with a considerable Army constrain'd him to give them the Town of *Marshall*.

Moreover, it was but a little time after this, that they fell to teasing him again, compelling him to sign a New Treaty more disadvantageous to him than the two former; and yet (so insatiable is their Appetite of Dominion) the unhappy Duke could, as little as before, obtain a quiet enjoyment of that little they had left him. They every day encroach'd upon his Jurisdiction, the Limits of his Territories, and his Sovereignty it self. They impos'd grievous Taxes upon his Subjects. They forc'd him to disband his Forces, and to raise new Men again, as they thought fit. They kept him from revenging his own Quarrels, to take part in others. They loose all his Enemies against him, and stop'd the Progress of his Armies, as soon as he had got the least Advantage: And in few words, he was at that time more a Vassal to *France* than a Sovereign in his own Country. But yet all this could not satisfy the French Court; they must have all again: wherefore the Duke by many Circumstances shewing how ill he brook'd this kind of unreasonable Age, they order'd one of their Generals to surprize and seize his Person, and to bring him either dead or alive: Of which intended Violence having had timely notice, he escap'd when it was very near being effected. *Wolov* (as one very well observ'd) is a new way of dealing with a Sovereign Prince, not known before in these parts of the World; and it may teach all other Princes what to trust to in treating, and not to expect from such monstrous Neighbours: And it gives us some hope that we may ere long live to see the *West* govern'd by *Bathaws* as well as the *East*.

No other thing could give us a better insight into the Ambition and Pride, nor more fully discover the Intent and Design of *France*. None but an Universal Monarch can pretend to an Arbitrary displacing of Princes, and a disposing of their Liberty, Lives, and Territories. Thus you see how perfidiously they dealt with the Duke of *Lorain*.

Spain en- But to return to the Treaty of *Aix*. It prov'd to be of little avail to that Duke. For they have since seiz'd his Country again, and driven him out to seek his Fortune; and this (as Men say) for no other reason, but because he hop'd by this Treaty to have confirm'd himself among his Allies in a better State of Security than he had hitherto been. And as for the Court of *Spain*, the French also resolv'd to defeat their Expectation of Benefit by this Treaty: for contrary to it, they presently fell to work: First they dismantled all the strong Places and Holds of the Country of *Burgundy*, carry'd away all the Munitions out of it, and would have spoil'd the rich Saltpitrs of that Province, had not the powerful Interposition both of *England* and *Holland* prevented.

In despite also of that Treaty, they exacted great Contributions from the Dutchies of *Limburg* and *Luxemburg*. They laid a new Claim to some Towns, as important as any of those that were granted to them by the Peace. They confiscated the Estates of the Subjects of the King of *Spain* that would not forswear their Allegiance, and spar'd not the very Royal House of *Mary Mont*. Nay, as if these Infractions were not enough, and still to inroach as far as they were able, they forc'd their way with great quantities of Merchandize through the Spanish Territories, without paying the Customs, and not long after endeavour'd to surprize the Town of *Hainault*. In a word, They did whatever they pleas'd, plunder'd even the most Sacred Places, and acted whatever can be imagin'd to be done, without remorse, by insolent and unconscionable Men.

But to proceed: It must not be forgotten, how under a pretence of advancing the Affairs of *Poland*, and settling an Amity there, they contriv'd a Marriage for that King with a Lady of *France*; by which means they were enabled to send thither along with her in her Train, so many expert Instruments of Mischief, that immediately they settled a Cabal, with such Intrigues, as in a short time inflam'd the Nobility of that Kingdom into Heats and Factions against one another, which are never likely to be extinguish'd. And at that time they operated so far, that the King soon became willing to quit the Kingdom; and thereupon the *Turk* seeing the great Divisions that were wrought among them, was easily invited in by the French Cabal, merely because they could not bring in a King that was of French Blood, or of French Interest, at the following Election. Add also to this, That one of the greatest Motives of their fetching in the *Turk*, was, that their New King contracted Marriage with the Emperor's Sister; which Princess being now a Widow, is shortly to be marry'd to the Duke of *Lorain*.

It is worth the while also to remember, how finely they us'd the Duke of *Newburg*, while they train'd him on to engage the greatest part of his Estate, almost beyond Redemption, in hopes of getting the Polish Crown, which they had promis'd to procure for him by the help of a strong Party which they had made in that Kingdom. Yet under-hand, and contrary to their Treaties, as well with the Elector of *Brandenburg*, as with himself, and to their iterated Promises and Vows, both by word of Mouth and in Writing, they did by their Creatures and Agents oppose the said Duke's Pretensions, and endeavour'd with all industry to have gotten the Prince of *Conde* prefer'd before all his Competitors; a particular Account whereof would, if publish'd, without any other Instance, be a sufficient warning to all other Princes, and afford them a perfect Character of the French Court.

But 'tis remarkable, That it is not with Princes alone that they thus finely deal; but they observe also just the same measure of Faith toward such Rebels and Traitors of their making, as they have gain'd for Money to betray the Concerns of their own Country, by serving the Intrigues and Interests of *France*. For when, after the beginning of the War, they saw this Emperor setting himself in good earnest to assist the Dutch, then to dissuade and divert him from his Purpose, and to engage him (if it had been possible) not to concern himself or take part in the Quarrel, they very fairly offer'd to deliver into his hands all the Original Letters and Papers they had receiv'd from time to time from their brib'd Friends and Creatures in *Poland*, to the end that both his Imperial Majesty, and his Brother-in-Law the King of *Poland*, might take what Course they thought fit with those

Traitors.

Traitors. Which handfom Story may serve as a fair Warning and Fright to all those that prefer French Mony before their Loyalty, and the true Interests of their Country. And truly, this piece of Infidelity in the French is the only Piece of Justice that I find them guilty of, in the management of Affairs with their Friends and Correspondents.

But withal I find, that this piece of their Kindness to his Imperial Majesty, was to make him amends for another prank of Treachery that had been play'd him a while before. For the most Christian Ministers pretending a Courtesy to assist him against the *Turk*, and accordingly having sent Forces to join with the Imperial Army, they at the very same time began to settle a Correspondence with Count *Serini*, *Frachipani*, *Nadasti*, and *Tottenbach*; as did afterwards appear upon the breaking out of the Conspiracy, when the Depositions and Confessions of some of the Accomplices were produc'd, who had been instrumental in carrying both Monies and Letters from the French Minister residing at *Vienna* to the said Conspirators.

The French Ministers treacherous to the Emperor.

Next, let us have recourse to the *Swedes*, and examine whether they, having been many Years their very good Friends and humble Servants, have had better luck in treating with them than others in point of dealing. But surely *Sweden* cannot forget, that almost twenty Years ago they had occasion to make a Treaty with them, whereby they were to receive by way of Gratuity or Pension, Sixteen hundred thousand Crowns. Nevertheless upon second Thoughts, the French finding their Treaty with *Sweden* to be but of little use to them, refus'd to ratify it, and sent Monsieur *de Trelon* his Ambassador to them, to tell them in short, that he King his Master declar'd it to be void; which is a fine Court-stile for one Prince to use to another in Treating, and a tart, short, majestick way of rescinding Treaties.

And to the Swedes while treating with 'em.

It were both needless and tedious to tell, how well they have observ'd their Treaties with *Holland*, seeing they cannot so much as assign the least Cause of the War they now make against them, forasmuch as in their Declaration they told us only of a *Mauvaise Satisfaction*, and that they were ill pleas'd; and that it would tend to a Diminution of the Glory of the most Christian King, unless to please himself he put all *Europe* in a Flame, and endeavour'd to bring all under his Subjection.

It is pleasant likewise to observe, how they practis'd their Art also upon that notable Fox the Bishop of *Munster*; how they not only lurcht him during his Conflict with the *United Provinces*, but their French Troops fell also upon him, and danger'd the loss of his Country: How they another time brought him about to lurch us in *England*, by reducing him to a necessity of separating from our Interest, after he had receiv'd assistance from us in a good Sum of Mony: How they induc'd the *Swedes* from arming in our Favour, and sway'd *Denmark* from our Party during our War with the Dutch, even at the same time when *France* seem'd forward and favour us against *Holland*. And it hath been often publish'd, that they then spur'd on the Dutch, and were in with them in the contrivance of that Front which they did us in the River of *Thames*; thereby reckoning, that so were an Exasperation would necessarily follow in our Minds against *Holland*, as might render us irreconcilable to them, and engage us in War so long, till we should wast and wear out one another's Men and Shipping, that we might at last be the less able to oppose *France*, who was at that time meditating and forming with a mighty Advance of her own Naval Power, as might enable her to contend against us both, when we should see it our Interest to unite against her hereafter. And the truth is, the French Ministers did herein act according to a right understanding of their own Business: For they did and do very well know, that in order to the main End of grasping All, they ought to dread nothing more than a durable and firm Friendship between us and the *United Provinces*, as that alone which would set Bounds to their Ambition, and redeem *Europe* from that Yoke which they were framing, and devising how to put about our Necks. Therefore it was dexterously done of them to find out a fine Artifice of Treachery to delude us both, and to spin out that War: for, in the very heat of it, they kept Negotiations still on foot, both in *England* and at the *Hague*; put on a disguise of Mediation, pretending to make us Friends, and to that purpose made Overtures and Proposals of Peace. It might be told who were said to be the Instruments on both sides, to push on this Project of Delusion upon us so far, that we in *England* were assur'd by the French, that the Dutch were so well inclin'd to Peace, that for that time they meant

Spur'd the Dutch to make War against England.

The End they aim'd at by it.

meant to lay up their Men of War; but then afterwards the French underhand press'd the Dutch with all vigour and earnestness imaginable against us; and to fit out their Men of War again, promising that rather than fail they would join theirs to them against us. It was upon a Supposal the French were true to us at that time in carrying on their pretended Proposals of Peace, that we were made secure, slacken'd our Preparations that Year; and so a Surprise follow'd upon it: for the Dutch having been *tarantulated* with a *French Breeze* in their Tails, danc'd after the Lesson they had set them, and so enter'd our River as high as *Chatbam*. Thus it was brought about, as Report went in those days. However, admit it should not be true that the French were the Authors of that Counsel, yet 'tis unquestionable they knew of the Design e'er the Attempt was made; it was their Pretence of bringing about a Peace that render'd us secure, when indeed we had no Security but in War, or in a Peace of our own making. Which may sufficiently instruct us at our own Coast, what Security is to be expected from *French Amity* and Treaty.

*Their treachery
dealing
with Eng-
land about
St. Chris-
tophers.*

It was not long after, that we began to see a Convenience of Peace; inasmuch that a Treaty was concluded at *Breda*: and whereas one Article was, That the French should restore unto us *St. Christophers*, in the manner and form therein express'd, nevertheless they began again to abuse us, and instead of performing it according to the very Letter and true Meaning of the Article, they still from time to time upon several unjust and frivolous Pretences, put off his Majesty's Commissioners that went to receive it, till seeing a necessity to comply with us in so small a Matter, they after four Years baffling, were pleas'd to deliver it. But it is to be noted, That before the delivery of it they destroy'd all the Plantations, plunder'd and carry'd away all that was portable, laid the whole Country waste, and left it in a worse Condition than if it had never been planted. And as if the detaining of his Majesty's Territories had not been sufficient, they interrupted the Trade of his Majesty's Subjects in those Parts: and assuming to themselves a Sovereignty in those Seas, they would not suffer any Ships but of their own Nation to sail by, or about their Islands; and upon no other ground proceeded so far, as to bring in many Vessels as Prizes, and confiscate them.

*And they
have la-
boured to
diminish
our Trade
at home.*

But 'tis not in the *West-India* Trade only that we have been thus us'd; but they have been many Years, and still are diminishing our Trade here at home. They design upon our Cloth Trade, and many of our useful Manufactures, by Money tempting away the Makers of them to go and settle in *France*, and by them get their own People to be instructed in the making of them. And in the mean while, to advance and encourage their own Manufacture, and cause ours to lie upon our own hands when made, they lay heavy Impositions upon all English Cloth, Stuffs, &c. that are or shall be imported into *France*; which is the ready way to blow up many of our Merchants and most of our Manufactures, and undo Thousands of poor People who depend upon them for a Subsistence by Work. No wonder then it hath been observ'd, That we do not of late send into *France* the Fourth or Fifth part of what Goods and Commodities we formerly did. Nay, I hear, that Monsieur *Colbert*, one of their principal Ministers, is at this very time consulting and advising with Merchants and others, to give our Trade a further diminution, while we (such is the fondness of our Nation!) are bewitch'd with an affectionation of French Commodities, tho but mere Baubles and Gugaws; and tho our own Workmen afterwards work better, and outdo them in the making of their own Inventions, yet (such is our base Folly!) unless the Retailers of them do swear, and lie too, that they are Frenchmade, there's no putting them off to advantage at a quick rate. Moreover, we must have all French about us; their Behaviour, their Fashions, their Garb in wearing them, their mean way of House-keeping (to the utter extinguishment of the Noble way of Old English Hospitality) their needy Men for Servants, their mere Dietary Leeches or Scholastick Methodists (no better than most of our own) for Physicians; their cast Tooth-drawers and Barbers, that had not worth enough to earn Bread at home; to become our admired Chirurgions; French Musick, French Dancing-Masters, French Air in our very Countenances, French Legs, French Hats, French Compliments, French Grimaces; only we have not so frequent the French shrug of the Shoulder, because we are not generally so lou—and itchy. Pardon me, if thus far, in zeal to my own Nation, and Indignation, I a little digress. Any thing that speaks French is our delight; and such is the Witchcraft also upon the other Nations of *Europe*, that having made the French Language and Humours Universal, I cannot but look on it as a sad Omen of Universal Slavery; for as much

as both Divines and Politicians have, by the course of God's Providence, and Resolutions past in the World, observ'd, that a Nation's taking of Language from another Nation, and preferring it before their own, hath usually been a forerunner of, and prepar'd the way for its Conquest. No marvel then that *France* is carry'd on and elevated with the Ambition and Belief of conquering all, when they see all so rancidly dote upon their more effeminate Language, Fashions, and People. Therefore 'tis high time that we return to our Old English Spirit and Humour, which naturally is more Grave, Manly, and Martial, and by its native courageous Temper sufficiently enabl'd (as of old) to cure their hot fits, and cudgel them out of their Disciplinary, artificial Conduct, and evaporating Valor.

But to return where I left, Let me say, There's much more fear of their pretended Friendship, and certain Falshood, than of any thing else they can do, notwithstanding all their Numbers; as may be collected out of the memorable Stories of *Cressy* and *Agincourt*; of which last they have in their Chronicle left this dismal Note, *La mauvaise Journée d' Agincourt*. Let us then in the mean time have an eye to their Treachery, Treaties, Peace more dangerous than War, and their abusive Dealings.

Their pretended Friendship move to be fear'd than their Numbers.

And if those Particulars which we have hitherto repeated, be not enough to taint them out in their Colours, let us next call to mind how falsely they dealt with us in the last *Dutch War*, under pretence and appearance of a hearty Connection with us. As to the Undertaking it self, they made us to believe they could be Principal in the War, and that they would be content that our Forces should second them as Auxiliaries: but as soon as they thought they had engag'd us so far in the Business, that we could not well go back, nor take new counsels, they in all Princes Courts declar'd it was not their Quarrel, and that they were engag'd in it only to assist us. Which was a friendly course to render us liable as they could to the Displeasure of other Princes that lik'd not the War, and to excuse themselves, tho they had been the chief Causers and Contrivers of

How falsely they dealt with us in the last Dutch War.

We cannot omit to remind you next, how strangely they behav'd themselves towards us by Sea, when they should have assisted us in the Battel that was fought under the Conduct of the most Illustrious his Highness Prince *Rupert*; when by reason of their standing at a distance in the very heat and stress of the Fight, I never coming in to assist him, they did sufficiently manifest, that their Squadron of Ships were sent only to be Spectators, and to learn to fight, and for other ends, other than to act in it: and truly his Highness that day gave them an Heroick Example of Skill and Courage, when he was set upon by two of the *Dutch* Squadrons together, one of which the Admiral of the *French* Squadron ought to have engag'd, according to the Orders that his Highness had sent to him the day before; but he not coming in, tho the Wind all the day stood fair for him, his Highness was left alone to bear the brunt of the Engagement with two of the *Enemies* Squadrons at once: and tho his own Ship was surrounded on all sides, yet he so nobly acquitted himself that day, that he not only made his own way out of that great distress, but giving a courageous Example to the rest of his Squadron, went with them, and assisted that other Squadron of ours which had been engag'd against Vice-Admiral *Tromp* at a great distance in a separate Fight, contrary to his Highness's Orders. Moreover it is to be remember'd, that as he made use to their Assistance, his Squadron by the way still fought the *Dutch* Squadrons, who made way also side by side with ours at some distance, both sides shooting at one another; the *Dutch* in hope to have hinder'd the Prince from giving the Assistance desired; which being nevertheless effected by his Highness, and the *Hollander's* Admirals finding they could not prevent it, and that they had enough of it, made away for their own Coasts. But had the *French* Squadron under the Command of the Count d' *Esrees*, done its Duty, and come in to second the Prince any hour of the day, as it easily might have done (the Wind standing fair) it was evident that day, we might then have had one of the most glorious Victories that ever was achiev'd by Sea, and but few of the *Dutch* Ships could have escap'd home. This was afterwards acknowledg'd and attested by Monsieur *Martel*, the Count d' *Esrees's* Vice-Admiral, who like an honest Man, attempted to have come in with a few of his Ships, but could not; and afterwards for his Forwardness to have fought, because he blam'd his Admiral, when he return'd to *Paris*, he was call'd to an account, and committed to Prison; whereas the Count having follow'd the private Instructions of the *French* Ministers, was still continu'd in Honor and Command.

Withdrew themselves from the Fight, contrary to the Orders of our Admirals.

And

And therefore it must needs be an undeniable Evidence that he had private Orders and Instructions only to stand still and look on, while we and the Dutch should be tearing and destroying one another; because otherwise, in order to a Vindication of the Honor of *France* and its Ministers, They would doubtless have made him answer that egregious piece of Treachery with the price of his Head.

Their Management of making Peace with the Dutch without England.

I intend as much Brevity as may be, therefore have forbore to touch upon all the Circumstances of that Affair: but thus much is absolutely necessary, to give you proof of the French good Will and Faithfulness to *England*, as well as to all other Nations that have had, or shall have any Dealings with them. Now let us next see how they dealt with us, in order to the putting an end to this; which having been by us enter'd into jointly with the *French*, doubtless nothing ought to have been attempted by any one in order to the ending of it, but what should carry a fair Respect to the Interest of both Parties in Conjunction: But see how they play'd their parts with us in this also!—The States General of the United Provinces having nominated several Deputies to be sent, some to his Majesty of *England*, and some to the French King, to know of them both upon what Terms they would be willing to agree, and come to a Peace, His Majesty (as it is a Virtue innate in his own Royal Temper) intended to deal most justly with the French King upon this occasion; and therefore so carry'd the matter, to avoid giving him any Offence or Jealousy; and being loth to do any thing in the Affair without Participation of Counsels, immediately sent him word, such Deputies were arriv'd at *London*, and would not so much as hear what their Errand was, without the Privy of *France*, supposing that he should have a suitable Return from thence.

But, what happen'd in the mean time? Even a quite contrary Behaviour of the French: For, no sooner were the other Deputies arriv'd at the French Court, but they were presently visited and caressed by two Secretaries of State; and without further delay it was demanded of them, First if they had full power of their Masters to treat: And next what Proposals they would make in order to a speedy Peace. The Deputies desir'd rather to know first what Proposals the French Ministers would make. Whereupon to hasten them to a Conclusion of the Work, the French shortly told them, they were to understand, That what their Master the King had conquer'd by his Arms in *Holland*, he would not part with, unless they gave him an Equivalent, as well for those Places, as for the rest that he should conquer before the Treaty be concluded.

This Answer made, the Deputies forthwith send back one of their number to the *Hague*, by name Mr. De Groot, who was speeded back again with Instructions to *Amerongen*, authorizing him and his Fellow-Deputies to conclude a Peace with the French. He was no sooner arriv'd, but Monsieur De Lowvoy, one of the Prime Ministers of State, made short Work, deliver'd the Dutch Deputies a Project of Treaty, or rather the Pretensions of the King his Master; upon grant whereof (as he said) he would be both willing and ready to return to his former Amity with the States General, and conclude a firm Peace with them.

Was not this a sweet Return of dealing towards his Majesty of *England*? For you are to note, That tho the War was made jointly, and so no doubt it was not to be ended without respect to be had to the Interests of each Party concern'd therein, which you have seen was fairly meant and observ'd by his Majesty on our part towards the French; yet they had so little regard of us, that they not only put on and enter'd upon a Treaty without our Privy or Consent, but would have concluded it upon that Separate Treaty without us, only to their own Advantage, whereby their Master might as perfectly become sole Master of the United Provinces, as if he had conquer'd all by the Sword.

You are to note also, for a clearer understanding of their Intents, That when the Heer De Groot being to go the second time from *Amerongen* to the *Hague* with the Articles of this Separate Treaty, on his Arrival there, the States finding nothing in them which concern'd *England*, he told them the French Ministers had told him, The States his Masters might deal as they pleas'd with *England*, and make an end as cheap as they would, because (as they pretended) they were not bound by Treaty to procure the English any Advantages. And thus no more notice was taken of his Majesty, nor greater Care of his Interests, than if he never had been concern'd in the War, or in no League with the French at all: So that if by wonderful Providence the Separate Treaty had not been broken off, *Europe* might have beer

been in greater hazard of its Liberty, and we of our Safety, by a settled Domination of the French in the United Provinces.

Much more might be added, to shew the foul play of the French with us at that time, and afterwards also when the Duke of Buckingham and my Lord Arlington were sent hence into Holland: But I must be brief, this being enough to discover their friendly Behaviour during the Joint-War, *An. 1673.*

In the next place let us see how they have carry'd themselves since the Year 73. *French Privateers of-fer'd Violence to our Merchants notwithstanding a pretended Amity.* For, we have an account, that notwithstanding the Amity betwixt us hath been continu'd to this Day, yet that Nation hath never ceas'd to do us one Injury or other, and no sufficient Redress at all hath been obtain'd, tho Complaints have been made, and Reparation earnestly sought for. Witness especially the many Affronts and Violences done to us upon our Merchants Ships at Sea by the French Privateers. or, but very few of them have been restor'd; and those that have been, have found the Remedy worse than the Disease, because the tedious Delay of it brought much Charge to the Merchants, that the Benefit coming by the Restitution would not countervail their Expences in attendance at the Court of France.

For the clearing whereof, it cannot be amiss to give here at large an Account touching the Event of such Applications as have been made to his Majesty for Redress at the Council-board, and with the Committee of Trade belonging to his most honourable Privy Council, excellently penn'd, and now come to my Hand newly printed and dispers'd; therefore I reprint it, and it here followeth.

At the Court at Whitehall the 4th of August, 1676.

Present

The King's Most Excellent Majesty in Council.

The Right Honourable the Lords of the Committee of Trade did this Day present unto The Representation of the Committee of Trade to K. Ch. II. in Council. Majesty in Council, a Report touching the Injuries which his Subjects did sustain by French Capers, in the Words following:

May it please your Majesty,

There was presented unto your Majesty in Council on the 31st of May last, a Petition, the name of all the Merchants of London, and other Places, concern'd in the several Ships taken by the French Privateers, and carry'd into several Ports of that Kingdom; and their Complaints consisted of the Points following.

1. That the Ships and Goods of your Majesty's Subjects, tho manned according to the Act of Navigation, and furnish'd with all necessary Passes, were daily seiz'd, carry'd to Dunkirk, Calais, Sherbrook, and other Ports, the Masters and Mariners kept in Prisoners, to force them by Hardship to abuse the Owners, or else for Relief of their necessities (being commonly strip'd and plunder'd) to enter into the Privateers Service, which great numbers have done with very pernicious Effects.
2. That the Delay and Charge of prosecuting the Law in France, does commonly make Owners to become Losers of half the Value, whenever they are successful.
3. That there is no Reparation ever gotten from Privateers for what they plunder and bezzle, which makes them freely seize upon all they meet, and perpetually molest the Navigation of your Subjects.

Wherefore your Petitioners humbly imploring your Majesty's Protection and Relief, your Majesty was hereupon graciously pleas'd, out of a Sense of your Subjects Sufferings, command that some Frigats should sail forth to clear the Coast of those Privateers, to seize them, and bring such as had offended to make Restitution. And your Majesty did ther order, that the Committee of Trade should well take notice of the particular Cases and Complaints depending, that such of them as were of Weight and Merit might be sent to receive your most gracious Recommendation for Relief, as to survey the whole number of Seizures which have been made on your Subjects, in order to lay before your Majesty what Hardships have been sustain'd at Sea, and what sort of Justice hath been administer'd in France, with their Opinion of what is fit to advise your Majesty therein.

In obedience to which Command we have hereunto annex'd a List of such Ships as have been seiz'd, to the number of 53, and the Cases wherein the Owners have repair'd unto your Majesty, either in your Council, or by your Secretary of State, for Relief; which as he general it supposes a Justice in such Complaints, so it leaves a Suspicion of great Hardship in the Methods of Redress, and the number of Captures is no small proof of the Cruelty of Condemnation.

How many other helpless Men there have been (besides the said Cases) who have not had Ability to prosecute, or how many of these Cases have been favour'd with Redress, we cannot certainly understand, till the Information we have sought for comes from Paris, which may also enable us to compleat their Circumstances of every Case.

But in the mean time, such of all the Instances of Redress as are come to our knowledge, we have not fail'd in the Margin to make mention of them, being in number Seven.

While we were in the midst of this Prosecution, Mr. Secretary Coventry does on the 6th instant present unto the Committee a Paper, which he receiv'd from the French Ambassador Monsieur Courtin, relating to these Matters, and the Contents thereof are as follow.

An Extract of a Letter from Monsieur Colbert to Monsieur de Pomponne, one of the French King's Secretaries, written the 28th of June, 1676.

Mr. Colbert's Letter to Mr. Pomponne.

For what concerns the Prizes, it would be a difficult matter to answer to all the Cases contain'd in Monsieur Courtin's Letter; what I can say is,

That the Council for Marine Affairs sits every Friday at St. Germain's.

That all Privateers and Reclaimers know it.

That Sir Ellis Leighton, nominated by the English Ambassador, hath always notice of it, and is always present at it.

That not a Week passes, but I give him two or three Audiences, and oftentimes I send for him on purpose.

His Reasons are all reported, read and examin'd.

As likewise are all Petitions of Reclaimers; and I shall tell you more, I acquaint him with the Reasons upon which Judgment is given.

In giving Judgment, all Vessels which have any appearance of being English, are releas'd; and very often, and almost always, altho we are satisfy'd that the Ships are Dutch, yet they are releas'd because there is some appearance of their being English, and every thing is judg'd favourable for that Nation: and it is true that all Ships that are taken are Dutch-built, that they never were in England, that the Masters and all the Equipage are Dutch, that the Dockets are for Persons unknown, and which are not oftentimes so much as nam'd, that they carry with them only some Sea-Briefs from Waterford, or some other Town of Ireland or Scotland: That the whole Ships Company depose, they were sent to Holland: That we have found on Board three or four Vessels, Bills of Accounts, by which it is seen the English took two, three and four *per Cent.* for owning of Ships; and altho it is impossible to avoid confiscating them, yet these are the Ships which make such a noise in England.

The Committee's Remarks on it.

In answer to which Remarks, tho it be true that all Respect imaginable ought to be given to what Ministers of that consideration do pronounce, yet there being some Difference between them who feel the smart, and those who feel it not, we shall insist on some Particulars, that your Majesty may discern whether your Subjects are fortunate in their Freedom of Trade at Sea, or in the helps of Justice when they are seiz'd, as the Report and Information of the Letter will seem to make out; for as it magnifies the Favour which is exercis'd in France, the Facility in all Addresses, and the Tendernefs to relieve Englishmen in all Complaints, so we cannot on this Subject but own to your Majesty the very different Resentments we have thereof. For we understand that when English Ships are brought into the Ports of France, many of the Mariners complaining of ill Treatment, and some of Torment, their Papers being seiz'd, and their Persons in restraint, till all Examinations are prepar'd; then are all their Writings sent up to the Privy Council at St. Germain's, and there Judgment definitely given; seldom are any of the Reasons of Condemnation mention'd in the Decree, and never any Appeal or Revision admitted of: so at last it was until the 20th of June last, and whether this be the Tendernefs, or the Justice which is mention'd, we do not know; but we are well assur'd, that the Methods of your Majesty's Clemency and Justice, on like occasions, have been far otherwise; and we appeal to the present Ambassador, Monsieur Courtin, if almost in all Cases that he or any of the Ambassadors thought fit to own when his Excellency was here before, and your Majesty in War with Holland, seizing many Ships as Prize, and under great suspicion claim'd by the French, whether it were not very customary to have a short Reference, and a summary Examination of all Papers by the Judge of the Admiralty in his Chamber; and that if any thing appear'd fair in the Case, whether the Ships were not immediately releas'd with-

out

out Law, Charge or Delay; and 'twill not be out of Season, we hope, to annex hereunto the Copy of an Order of the 22d of July, 1665. sign'd by the then Lords Commissioners of Prizes, where it will appear that eighteen French Ships which were laden with Wine and Brandy, being at Dover, and detain'd as Prize, were all eighteen by one Order discharg'd without any Law, or even the Ceremony of the Judg's Examination, being singly on the Credit of the Ambassador's Word, affirming that they belong'd unto the French.

As for the matter of Revisions or Appeals after Sentence in the Court of Admiralty here, we know his Excellency will also remember, That never any Man was deny'd his Liberty therein; but on the contrary, your Majesty gave a standing Commission for Appeals in all Cases of Prizes, and fill'd it with the Lords of your Council only, that every Case might receive a candid as well as unquestionable Determination.

We might also put your Majesty in mind, That during the whole Term of your late League with France, whenever any French Ships were seiz'd by the Hollander, and afterwards retaken by his Majesty's Frigats, such French Ships were always restor'd on Demand, no consideration being had of the time they were in possession of the Hollander, whether a Month, two, or three, as sometimes they were: and when the French Owner, as it hath happen'd, knew not of such retaking, but that the Ship was according to Law condemn'd to your Majesty, and sold with other Prizes; yet the Claimer appearing, your Majesty hath order'd the Money and Product of the Ships to be restor'd unto him.

Such various Methods of Justice and of Clemency might have intitled your Majesty to a different Acknowledgment, and more advantageous Effects.

As to the other part of the said Paper, it seems to contain very harsh Imputations on the Trade of your Majesty's Subjects; and from some ill Practice perhaps found out (as very where there may be Instances of the like) General Rules are made, and severe Impressions taken, which having entred the Thoughts of some eminent Ministers, we must not wonder, how frequent and how multiply'd soever your Majesty's Recommendations for Justice are, that the Events of Trials prove so unfortunate. If your Majesty will but vouchsafe to cast your Eye on the Causes here annex'd, you will soon see,

Whether (as it is imputed) all the Ships taken are Dutch-built.

Whether they are all such as never were in England.

Whether all the Masters, and all the Mariners are Dutch.

Whether the Dockets be for Persons unknown, and oftentimes not nam'd.

Whether in the whole List, there be more than one Ship from Waterford, and but six from the rest of all Ireland, but from Scotland not so much as one.

Whether it is credible all the Ships Company do swear they are sent to Holland, when so many are taken even coming from Holland.

Your Majesty may see how many Ships in the List are English built, taken with English Colours, English Mariners, English Owners, some of them known to your Majesty, and to whom the best Papers your Majesty, or your Ministers can sign, or the Treaties do require, are given, but all in vain.

So that if the Case be in the general quite different from what in the general is represented, we hope it will be no Crime for your Majesty's Subjects to make some noise in England, when they are hurt, and when they see their Goods taken from them by Violence; and that Violence rather justify'd, than redress'd by Law.

'Tis not for the Condemnation past on these very ill Cases enumerated, that your Subjects do complain; for it were to their Advantage, if all such were punish'd and deter'd from Trade, who by Collusion take share in that Profit, which the Favour of the present Conjunction seems wholly to appropriate to this Kingdom.

And surely your Majesty and the whole Kingdom did reckon upon this Advantage, and the Extent of Trade that would naturally flow, as one of the greatest Fruits and Blessings of your Peace: so that your Majesty being sensible of the great Decay and Loss of English Trading Ships in the late War, did think it advisable to admit your Subjects to repair themselves on the sudden by purchasing of Foreign Ships; and your Majesty by your Authority made them free and fit to partake in the Benefit of English Ships, to the Diminution of those higher Customs which otherwise such Ships were oblig'd to pay: and while your Subjects, with these and with their own home-built Ships, are in prosecution of the said Advantages; while every Man is invited by the Conjunction to venture more, and to enlarge his Trade; while by a general Trust in the Peace and Alliance your Majesty holds with all our Neighbours round about, they are led to go abroad unarm'd and without Defence, we cannot but lament it as a great Misfortune and Disappointment, to observe how these your Majesty's Subjects are frequently made a Prey of, and very evilly treated both at Sea and land.

Wherefore considering that the Root of all these Disorders arises from the Violence and Rapine of the French Capers, who ought to be look'd on as Disturbers of the Publick Quiet, and Enemies of the good Friendship between the two Crowns, we are humbly of Opinion, that your Majesty has just Occasion from the Injuries past; and those which are now depending, and which do every day increase, to make a very serious Representation of all unto his most Christian Majesty; and not only press for some better Method of repairing the Grievances mention'd, but earnestly to insist on the calling in of all Privateers; or else your Majesty must do right, and give Defence to your Subjects from all the Insolences which they so frequently meet. All which is most humbly submitted.

Council-Chamber, 31. July 1676.

Anglesey,
Bath,
Craven,
J. Ernle,

Finch C.
Bridgwater,
H. Coventry,
G. Cartret.

Robert Southwell.

His Majesty's Orders upon the said Report.

' His Majesty taking into his serious Consideration the daily Complaints of his Subjects, and having a great Sense and Resentment of their ill Usage, hath thought fit to approve the said Report, and is therefore graciously pleas'd to order, as it's hereby order'd accordingly :

' That the Right Honourable Mr. Secretary Coventry do immediately transmit to his Majesty's Ambassador at Paris a Copy thereof, that so the Evil and the unhappy State of these things may be made known in that Court, and the Remedies press'd for in his Majesty's Name, which are propos'd by the said Report; and Mr. Secretary is also to attend the French Ambassador here, with the same Representation, and to expostulate upon all these Hardships, and the little Remedy given to his Majesty's Subjects, either on the Merits of their Causes, or the Recommendations of them by his Majesty; That so his Excellency being made sensible of his Majesty's Displeasure herein, and the reasonable Discontent of his Subjects, there may be by his Care such lively Impressions hereof fix'd with the King his Master, and the Ministers of France, as may redress the Evils that are complain'd of, and obtain the just Remedies which are propos'd.

Philip Lloyd.

To these Evidences I might add the List of several Ships belonging to our English Merchants, taken by French Privateers since December, 1673. which was also presented to the Right Honourable the Committee of his Majesty's Privy Council for Trade, and by them to his Majesty, together with the Names of their Owners, and their other Circumstances; but it would be too copious for this place. Therefore 'tis sufficient for me to shew you only an excellent Account of the Business it self, and of the great Care and Pains of the Noble Lords of the Council's Committee for Trade; and of his Majesty's Royal Resentment of the Sufferings of his Subjects, and the Abuses put upon our Nation; which may testify, that no Nation under Heaven can have better Reasons on their side to justify a War, than England hath against France, for the many Dishonours, Affronts and Injuries done us, in recompence of his Majesty's high Integrity, and fair Carriage towards them.

France naturally unfaithful to England.

But this Unfaithfulness of theirs towards us is ingrafted in their very Nature, as may appear not only by what hath of late been observ'd, but also by the Stories of old; all the time that Scotland was under a Crown separate from England, it having then been perpetually made use of by France, when any Difficulties were upon us, as a Backdoor, to enter, disturb, weaken and attempt us here in England. Therefore having, since the happy Union of the two Crowns under King James, been at a loss all his Reign how to disturb us by their wonted way, they at length got an Opportunity to plague us, by bolstering up a boisterous Presbyterian Party in Scotland, that might open the Backdoor again, to let into England, not only Armies, but the delicate Pandora, with her Box of Beauty, varnish'd over with the Name of the Holy Discipline, and fill'd with all the Plagues of Egypt, to make our Nation miserable, I mean Presbytery, the pious Mother, Nurse and Seminary of Civil Wars, and perpetual Factions amongst us: and thus for the planting of War here,

ere, we are beholden to *France*, among the other good Deeds they have done to our Nation.——But that I may no longer talk in the Clouds, the plain Story in brief is this :

The *French* having long had a Design of Conquering the *Spanish Low-Countries*, Occasion'd the Troubles and Civil Wars of England and Scotland. and conceiving it was no time to discover or attempt it, as long as *England* should be in a condition to hinder it ; therefore to remove this Impediment out of the way, the best way for attaining their End was thought to be in the first place an embroilment of the King of *England*, that instead of looking to Concerns abroad, he might be held in Contest at home, with a factious Party of his *Scottish* subjects, who before, and in the Year 1639. had shewn themselves very vexatious and troublesome to his Majesty's Government, about matter of Kirk-Discipline, and Government by Bishops. This was Matter combustible enough for *France* to work upon, and blow into a Flame ; so that Cardinal *Richlieu*, Grand Minister of State to the *French* King, by his Agents, giving them large Promises and Encouragements, got into a Participation of Counsels with them, whereby the Faction was agitated into a downright Rebellion there, under the name of seeking a Reformation, and then follow'd Counsels also for an Invasion of *England* ; which was seduced, and they made their way with an Army to *Newcastle*, possessing themselves of it. But by the King's Prudence they were sent home again, a Pacification being made, and hop'd it was that all would have remain'd quiet. But this sudden matter not suting with the mind of the *French* Ministry, and *Richlieu* finding that there was a working up of the like Discontents, and a likelihood of the same Designs in *England* for the Cause, or rather pretence of Religion, the Believers were blown here also by the same hand ; some of the Heads of the Faction were brought to a Brotherly Correspondence of Counsels and Resolutions with their Friends of *Scotland* ; a conjunct Design was laid for a second Invasion upon *England*, under the name of Brotherly Assistance ; and the Platform of the Great Covenant was then propos'd, approv'd by the Agents of their Friend *Richlieu*, to be set on foot first in *Scotland*, and by Agreement it was afterward to be ended thence in due time back into *England*. In the mean while, the Forty One Parliament being call'd, Matters then ripen'd apace for their purpose by means of prevalent Faction in Parliament, which very much alarm'd the King and his Court, inso much that he conceiv'd it was high time to rip open this Evil, by discovering, seizing and accusing some of the afore-mention'd Heads of the Faction, to wit, a Lord, and Five Members of the House of Commons. The Articles of the charge against them were in number Seven : One of which was, *That they had traitorously incited and incourag'd a Foreign Power to invade his Majesty's Kingdom of England*. Which was so true, that he desir'd a Trial of them ; but their Party in the House not daring to permit it to be put to proof, they shock'd the King in the Buffs, and so the Affair of the Covenant, and the other Effects of that Invitation, came more roundly on to a Ripeness and final Dispatch in *Scotland*, by the time that the Sun in his Course brought on the year 1643. and then came on a second Invasion of *England*, flourishing their Colours with this rebellious Motto, FOR THE CROWN AND COVENANT OF BOTH KINGDOMS. And is you see how far we were beholden to *France* for all the Miseries of the ensuing wars, and the numerous Brood of Factions which issued thence in *England*, *Scotland* and *Ireland* : Of the certain Truth whereof we might have had undeniable evidence, upon the Trial of those whom the King had then charg'd with Treason, the Temper of that Time would have permitted a fair Prosecution ; however, as (I remember) sufficiently talk'd of in those days, and I have now by me a Book in the *French* Tongue, which was printed twenty four years ago by *Adrian* at the *Hague* in *Holland* ; in the third part whereof are eight Chapters, the first of the second Chapter is this Title [*Le Cardinal de Richelieu la cause des Desordres arrivez en Angleterre*] that is to say, [*Cardinal Richelieu the Cause of the Disorders befallen England*.] Which he brought in (as I told you) by the way of *Scotland*, to the Ruin of our Peace, the Royal Family, the Church, and the whole State and Government of our Kingdom.

But this tampering with and corrupting other Princes Subjects, is an old Game and the *French* Ministers have ever been playing all over *Europe*. Let it be remembered how the same *Richlieu* wrought the Revolt of *Portugal* from the *Spaniard*, and the Rebellion in *Catalonia*, and carry'd on the Wars in both those Countries to bring down the Power of *Spain* ; how he tamper'd also with the *Swede*, under *Gustavus* to invade the Empire ; and then with the Emperor's General *Wallestein*, And caus'd the Revolt of the Portuguese from the Spaniard.

to betray the Imperial Army, by whose sudden Death the French King lost the great Opportunity to work himself into a possession of the Imperial Throne: How Cardinal *Mazarine*, after him, carried on the Popular Commotions rais'd by *Masaniello* in the Kingdom of *Naples*, by sending thither the Duke of *Guise* to be their Head, to the almost wresting of that Kingdom out of the hand of the *Spaniard*; and then also how he lurch'd that Duke, and deserted him: Moreover, how the last Year the French Intrigues so far prevail'd in *Spain*, as to turn the Queen Mother out of her Regency, drive out her Favourites, such as she thought most fit and firm for the young King's Safety, to put him into other hands, and turn all things in that Court topsy-turvy, that being agitated, and held in play by their own Divisions at Home, they might be less able to have regard to the preservation of the *Flemings*, or to the carrying on a Joint-War with the *Hollanders*: How they have been the common Enemies of every State, destroying the Peace of Government every where, sowing of Factions in all Princely Courts, their Councils, or among such of the Subjects as are factious; or else they jumble one Prince against another by turns, as they did the Prince Elector *Palatine* against the Elector of *Mentz*, starting up an occasion of Quarrel betwixt them; one while to take part with the Elector *Palatine* against *Mentz*, another while with *Mentz* against the Prince; whose Country they miserably harass'd and wasted.

It cannot be forgotten what they lately did to corrupt the Emperor's Council, by means of his own Favourite Prince *Lobcowitz*, whom they bought for Money to betray his Master's Counsels and Affairs; besides their Intrigue in the same manner with the Prince of *Furstenburg* and his Brother. Also, what they did in the *United Provinces* to incommode his Highness the Prince of *Orange*, by bolstering up the *De Wits*, and their *Louvestein* Republican Party against the Princely.

What they have done to clog the Emperor, by fostering a Rebellion against him in *Hungary*, and how great Charge they are at to sever the Power of the Duke of *Bavaria*, and of the Duke of *Hanover*, from the common Interest of the Empire in this War. How they have divers times indanger'd all Christendom by confederating with the *Grand Seignior*, to disturb both *Hungary* and *Poland*; for which cause (as my Lord *Herbert* writes in his History) the Pope had like to have given away the Title *Most Christian* from their French King *Francis* the First, to bestow it upon our *Henry* the Eighth, before he had been dub'd by his Holiness with that of *Defensor Fidei*.—— What Artifices have been us'd by them to settle and nourish perpetual Faction among the Popish Nobility, whereby other great Opportunities have divers times been given to the *Turk* to fall upon them.

France its
Practice
has been
to give Dis-
turbance to
the World.

In a word, their common Practice has been, to give the World all manner of Disturbance, and so to render themselves in its Opinion the common Enemies of its Peace, a publick Pest among States and Princes: In every Country they either find combustible stuff, or else make it, and then set fire to it; they are at mighty Charge to find Fodder for the various Animals of Faction in all Places. By this means *Divide & Impera* makes way for them, and thus they conquer more than by their Arms: they inflame Countries thus, as well as burn them, as they did *Alsatia*, that having enough to do to quench Fires at home, they may have neither Leisure nor Power to hinder French Projects abroad. Questionless then, since we in *England* have seen and do see our Neighbours Houses fir'd one after another, 'tis high time to look to our own, and secure our selves and all *Europe* from such Beautefeux, and the sad Effects of their impious Courses.

S E C T. IV.

That as the French have dealt falsely with us, and all other Princes in the point of Peace; there is no Security to be had for any one Party, but by a Joint-War.

HIS Majesty of *England* having hitherto on his part preserv'd a fair Respect and Amity towards *France*, passing by many Indignities and Injuries done to himself and his Nation, in hope his Patience might, by fair means, have prevail'd with the French King at length to do reason to us, and the rest of his Neighbours; and that to that end his Majesty might have persuaded him to have forborn a further Prosecution of the War in *Flanders*, that thereby we might have seen some good

good Fruit of his Majesty's friendly interposing, in order to the procurement of a speedy Pacification; and the French pretending so to do, and to admit his Majesty to a performing the good Office of Mediation betwixt *France* and the Confederates; but now the Issue of all being contrary, for that the French have made an unexpected sudden Breach further upon *Flanders* in the depth of this Winter, and appear'd resolute to carry the whole Country, if they could, before Spring; so that this Surprise gave a new Alarm to us and all the Neighbours: The World must justify his Majesty, if after all amicable means us'd in vain, he shall now find himself in prudence concern'd to take a Course by War, to vindicate his own Honour against the many Violations and Affronts acted by *France*, and by God's Blessing to become the happy Instrument to recover the Rights of the oppressed States and Princes, as also to preserve his own Nation against the Dangers threaten'd at our very Doors, and to restore unto the Generality that Glorious Christian Peace, which cannot be otherwise obtain'd.

Peace was the Subject of Christ's last Sermon, the great Legacy that he bequeath'd to his Followers. What Christians then are they, that make it their Interest and Business to destroy it on Earth! This is the Work of wild Beasts and Monsters, to infest whole Countries; and when men act as such, the very Law of Nature, as well as of Nations, excites and justifies all Mankind to war against them. Look back on the former Sections of this Discourse, and there you have a sight who are the Men, whom no Treaties nor Intreaties can reduce to a more Christian State. Their Motto is, *Jus est in Armis; No Law but the Law of Arms*: Therefore by Arms alone the Quarrel is to be decided, and that for these following Reasons; provided that Foreign States and their Ministers do not trifle with, but come up roundly to us, and that People here at home do their Duty for Encouragement, answerable to the Importance of so great and necessary an Undertaking: which (no question) every Man wise and honest will be ready to do, and no reasonable Man can doubt it, seeing our own and the Universal Interest now calls for it, and the Parliament did this last Summer so earnestly address for it; and (I suppose) his Majesty had suitably answer'd it, had he conceiv'd the Time to be seasonable, and some other Circumstances agreeable, which the Law most prudently hath left in his own Judgment to determine; the more full and better Sense whereof may be collected out of his Answer to the Address it self, at the end whereof I read is Intimation, *That he could not do Things for the Security of his People, with those Advantages to them; which by the Parliament's Assistance at that time he might have had*. Which (I remember very well) most Men did interpret to be meant of the House of Commons not granting, and the King's wanting the Six Hundred Thousand Pounds demanded by his Majesty for a further Supply, which might have enabled him to, &c. But of this more anon.

France is not to be dealt with but by Arms.

Here are the Reasons afore-mention'd.

I. The first Reason for War against them, I draw from the *Summum Probabile*, The Reason of the highest Probability, that if we do not help to reduce them and extinguish War abroad, they will at last bring it home to us. Which I prove by consideration of these three Particulars.

France's Aphorisms of State.

The Political Creed.

Their Necessity to continue in War.

1. The first Aphorism is such as is destructive of Peace in all Places, and disposes them to act accordingly. That is, to enter into all sorts of Affairs by Right or by Wrong, by Hook or by Crook, and every where to become Arbiters, by Violence or by Cunning, by Threats or by Friendly Pretences. In all the Differences past or present, they some way or other wind themselves in to take Party, and form for themselves an Interest: Nor did ever any People shew the least dislike to the Government, and an Inclination to Rebellion, but the French fomented it, and made the Factions their Allies. They never entred into any War to favour any Party, but with intent to exasperate it; nor into any Peace, but to sow the Seeds of new Disputes, as past Experience hath made evident, and the Series of these Truths afford numerous Examples; but I now want room to insist on them: So that if we constrain them to Peace, it will last no longer than they work our Malecontents into Mutiny, and then they will violate that Peace by encouraging them, or by siding with them secretly or openly.

French Aphorisms of State.

A Second Aphorism is, to have for their only Rule Interest of State; so that Faith of Treaties, the Good of Religion, or the Ties of Blood and Amity cannot

not

not hold them : The Instances for proof thereof I have given already. All that the *Turks* have done in *Christendom*, since the time of *Francis* the First to our time, they owe to the Alliances of *France* with the *Ottoman Court*, and to the Diversion which *France* made in their Favour, against any Christians who werelike to act against that common Enemy of our Religion.

2. Their third Aphorism is, To keep other States, as much as they can, divided and busied at home, or else engag'd in some External War, as *England*, *Germany*, *Italy*, *Denmark*, *Spain*, *Poland*, *Holland*, and many other Countries have had sad Experience. What Peace then with such a Nation, when her Witchcrafts are so many?

Their Fourth is, To keep their younger Brothers of the best Families always in Arms abroad, at the Expence of their Neighbours.

All these are the Maxims of Conquerors, infallible Evidences of a profound Design to be prosecuted to the utmost Bounds of Conquest : So that to talk to them of Peace, is to talk against their Interest ; that is, 'tis to no purpose.

The other thing to be consider'd is their Political Creed ; which I shall not give you in my own words, but as it is translated, having been printed in the French Tongue at *Ville-Franche* by *Jean Petit*, 1677.

Their Political Creed.

[They believe that what others call Violence, is but a bare Precaution, and a pursuit of one of their infallible Rules of Art, viz. That Conquerors ought to provide for the future, by destroying whatever may hurt them, and that they ought to have no Law but the Sword, the Appetite of Governing, and the Glory to be had by aggrandizing themselves at the Cost of their Neighbours. *Pyrrhus* also believ'd this just ; and *Cæsar*, that all things were lawful for Dominion.

They generally applaud these Maxims, and hold that nothing is forbid them that may disturb their Neighbours, and sow Division among them : that they have a secret Joy in doing wrong, and whatever else may be most afflicting and outrageous. That Pity is a cowardly Virtue which overthrows a Crown, whose best Support is Fear, and Impiety its Foundation. That Arms inspire a reverence among Men, and Troops are the admirable Advocates which plead a Cause best. That the Proclamation of the Cannon is above all other Titles. That Justice is a Phantasm, Reason a Chimera, Marriage a Trifle, the Faith of Treaties an Illusion, Peace but a Bait. That their Cabals ought to be full of Mystery, their Conferences insinuating, and their Oaths but Sport for Children, a Trap to catch a Cully, and a Charm for Fools.

They further believe and say, That Perjury is just ; and that according to their new Morals, Ill may be done for a greater Good. That Sincerity ruins them, that Perfidiousness is profitable, Imposture of much Benefit ; that Infidelity is the Character of a Prince, Faith a foolish Maxim, keeping their Word but a mean Compliance, and Violence the proper Hinge to move upon.

Our Tears are their Tipple, our Sighs they regard not ; they speak one thing, do another ; make great Promises, never perform any : Their Mouth flatters, while their Heart betrays ; they have no Friendship without an End ; Vengeance is sweet to them, their Protection heavy ; they embrace with one Arm, and smother with another : *France* is the Proteus of the Age, and hath a thousand Faces : She enters like a Lamb, transforms into the Fox, and thence becomes a devouring Wolf. They never pardon, are never to be surpriz'd, and their Ways are past finding out ; a double Face, a charming Voice, with a studied Behaviour. They count nothing a Pleasure but what tends to enslave the People, and lead them to Despair. *Tunc oderint dum metuant* ; and they scoff at the Hatred of the Conquered, if they can but make them fear.

Elizabeth of *England* always asserted, That *France* might be espous'd as a Friend, but never approv'd for a Neighbour ; their Rapidity and Heat consuming what they can reach, not being able to subsist without coveting and invading their Neighbours Goods and Territories.]

The last of the three Particulars to be consider'd is, That *France* is under a Necessity to continue War as long as they can,

1. This appears by what I have hinted in the Third Section, viz. That their King having brought the younger Brothers of his Nobility and Gentry (which are a vast Number) to depend upon War for a Livelihood, and by a War for making of their Fortunes, so that he hath made War their Trade ; 'tis absurd to imagine he will by any long Observation of Peace destroy their Trade and Livelihood : For

France under a Necessity to continue War as long as they can.

then

then, what follows? They must even prey upon himself at home; he must maintain them, or they mutiny and turn popular; and the common People being easily to be agitated with the hope of easing their most intolerable Burdens (for whoever among the *Burgois*, the *Tradesmen*, or the *Peasants*, do get either Lands or Pence, their King, as oft as he pleases, demands three parts in four, and so they pay him three Farthings of every Penny, if he tax it upon them, and sends Troops of Horse to collect it, as now they do at this time in the Provinces of their own Nation; as I have seen the Account of it set down in a Letter which came to hand but few hours ago) For these things, I say, may readily dispose them to close with Male-content Traders in War, who will be sure to drive that Trade of War at home if they have it not abroad. This alone is evidence enough to shew he must needs avoid a Peace, tho he may seem willing to treat about it, and pretends fair towards it; and perhaps keep it a little while, till he can frame to himself greater Advantages by breaking it; which his Interest (you see) will compel him to, to avoid that grand Domestick Mischief aforementioned.

2. Besides, Peace is so far against his Interest, that if he grant it, he cannot have any tolerable Pretence to keep up that vast Revenue, which he raises at present out of the Purse of the People to maintain his Wars; which I have heard to mount yearly to above Eleven Millions of Pounds Sterling, besides his Contributions rais'd out of conquer'd Countries, which are estimated at a great rate by those that understand them: and all these must needs be diminish'd if he permit Peace. So that 'tis a mean Thought to imagine that the French Ministers would not see and avoid these Consequences, which would lessen their Profit, as well as their Master's.

3. To be brief, By another Reason of State he is necessitated not to permit Peace long, because without War they cannot long retain their numerous Princes, *Marischals*, Dukes, and chief Nobility, in a dependance upon the Crown for augmentation of their Estates, or the Satisfaction of their Pride, Ambition and Avarice; which is not otherwise to be done, than by having to bestow on them great military Commands, Offices, and Governments in the Conquer'd, and other considerable Places. By these things you see what Necessity lies upon their Ministers to advise and determine, as Monsieur *Louvois*, one of the chief among them very lately did, That there was a Necessity for their continuation of War. And indeed, no Man better than *Louvois* understands the Temper, Inclination, Sense and Interest of his Master.

Now if these things be so, 'tis time for us to proceed with our other Arguments of War, on our behalf and foreign Neighbours: one of which I have already shewn you.

II. A Second Reason, or Argument, for us and them to war against *France*, is, that as the French Ministers cannot admit Peace, so this is one evident Token they never intended it; forasmuch as they so order'd the matter of Peace under debate at *Nimeguen*, that the Treaty was render'd hopeless.

III. They have hitherto frustrated the gracious Intent, Overtures, and labours of his Majesty of *Great Britain*, to procure a Peace by Mediation on behalf of the Confederates, and all *Europe*; which is no less than a tacit Declaration for an Universal Conquest.

V. A Fourth Reason may be drawn from the Ambition of *France*, which is restless, and boundless; never to be satisfy'd more than is their Avarice, large enough to swallow All up in the Continent, while they reserve these Isles of *Great Britain* and *Ireland* as the last morsel.

A Fifth Reason, had I time or place here, might be copiously drawn from the huge Magnitude of *France*, its Dominion being extended upon the Ruins of other Nations to an immense Bulk, beyond all tolerable Allowance: so that in comparison with them, and their Mountain of Power and Greatness, the Neighbouring States and Princes are become so light, that they are but as the small Dust in the Balance. And therefore unless a Course be taken to give them a Diminution, there will e'er long be very little probability of our being able to give him any counterpoise. That excellent Prince the Duke of *Rohan*, in his little but weighty Book, stating the Interest of several Princes, determines it is the Interest of *his Opinion* to keep such a Balance of their Powers, as not to permit that either of the Interest of *England* grow so great as to be able to oppress another: And that we ought ever to be on our guard even betwixt *France* and the House of *Austria*; and if either of them exceed,

ceed, to reduce it to an Equality. This was accounted a principal part of the Ancient Grandeur of the English Nation: King Henry the Eighth first well settled it in managing the Differences between Charles the Fifth, then both Emperor and King of Spain, and Francis the First King of France, the two grand Competitors of that Age. That excellent Princess Queen Elizabeth well improv'd it, and so it continu'd till the time of Cromwel, who first err'd in this matter of Publick Interest, to serve his own private, by greatning of France beyond due proportion, so that he interpos'd the Difficulties which since lay in the way of reducing it. By the Influence of this old piece of Policy it was, that England was always in a condition, whensoever she pleas'd, to dispense Peace or War to every Nation; and thereby great Honour redounded to our own throughout the World, and there is nothing but War can restore it, by curing the over-grown Dropsy of the French Greatness.

Peace will
betray us
to France.

VI. You had before an Intimation of another most considerable Reason, drawn from a Consideration that no Peace that can be made, can give us any Security of enjoying it long; to which I may add, That a Peace will but betray us to the next Opportunity the French shall please to take. Besides, in the Interval we should but give him the opportunity to reinforce himself, remass his Treasury, and thereby inable himself to prosecute the old Artifice of corrupting other Princes, Ministers, Officers, and Governors; and work his Ends so as to alienate and separate as many of the Confederates as he can from their holding Councils in common for mutual Preservation, to embrace such Terms as he shall, under a specious shew of Advantages, think fit to propose unto them; which if obtain'd, would utterly break them one after another, and induce this Inconvenience upon England, to be left alone, or with but few Participants to join in the Work of reducing France to its former legitimate moderate Condition.

Their Na-
val Power
a sufficient
Argument
for War.

VII. Another Reason is to be deriv'd from a Consideration of the great Increase of the Naval Power of France, whereby they are emboldned to give disturbance to our Merchant-men in our own Seas; such an Indignity to his Majesty, and Violation of our Rights by Sea, as is not to be indur'd, and which the Kings of this Island have from all Antiquity possess'd as far as the very Shores of France, exclusive of any Pretensions of Right of any other Nations within the Four Seas: The Evidences whereof were collected, and with Arguments drawn from all sorts of Learning and Records, digested into one excellent Book, by that most famous Man, Mr. Selden, intituled *Mare Clausum*. Among the Particulars whereof I remember that the Addition of the Port-Cullis to the Royal Badges of the Crown of England (which is yet to be seen upon many of the Royal Houses built by our Kings) was made for this Reason, even to signify to all the World, That we had a just Right and Title at pleasure to shut up, and open the Sea when we thought fit, as it were with a Port-Cullis, to all Passengers passing by Sea. And by the same Evidences it is there prov'd, that our Title to our Propriety in the Sea is as good as any Title the French King hath to any part of his Dominion by Land. His Grandfather wrote divers Letters with his own Hand to King James (which I have formerly seen at the Paper-Office at Whitehall) to ask leave for some few Vessels to fish for Soales (as he should have occasion) for his own Table; which was a sufficient Acknowledgment where the Sovereignty lies by Sea. There have been also in former time, brisk Messages sent to the French, requiring them, as soon as they had but begun to lay the Carcase of some pitiful Ship upon the Stocks, to forbear building. Which shews the present Presumption of the French in making so grand Naval Preparations to invade our Seas: And our Honour as well as our Right, calls aloud for a Vindication.

Religion
endanger'd
by France,
both Prote-
stant

VIII. There is a Reason also to be drawn from a Consideration of the hazard of Religion. 1. As concerning the Protestant, about which I shall not use any more Words to clear this Point, than this short Proverb now us'd in France, and by them attributed to their own King; *That his Grandfather lov'd the Protestants, his Father fear'd them, and he himself hated them*. Which any one that beholds the Ruins of their demolish'd Churches, and the hard Conditions under which they are oppress'd in every Point within that Kingdom (too large here to recite) will easily believe. 2. As touching the Roman Catholick Religion, how that is like to fare, may readily be prognosticated;

And Popish.

Tros, Rutiliusve fuit, nullo discrimine babebunt.

to be a Papist or be a Protestant, the French make no difference in usage wheresoever they come. Witness to this how they have dealt in *Catalonia*, *Alsacia*, the *Spanish Low-Countries*, and divers other Roman Catholick Countries, where all Men exclaim against the Domination of *France*. 3. Whereas it was of old a Doctrine instilled into the Minds of the Romanists by their Father-Confessors, that they ought to adhere to *Spain*, and the House of *Austria*, rather than to promote the French Empire, because *Spain* being then much the greater Kingdom, and esteem'd the Dearer Son of the Church, by reason of its greater Zeal, and more strict and intire Imbracement of the Romish Faith, and thro the Diligence of the Inquisition kept without any mixture of that which they call *Heresy*, and therefore more likely to continue firm to the Roman See; now of later time the State of Empire being alter'd, *Spain* brought much lower, and not able to give such Protection and Defence as formerly to the Roman Cause in these parts of the World, the Pope and his Priests and Jesuits are so far alter'd too, that having since seen the French go on like Conquerors, they have quitted the former Reasons on *Spain's* side, and like the Men of the World are turn'd Courtiers of Fortune, crying up *France* altogether now; tho if they please to remember, how not many Years ago, *France*, upon a petty Quarrel in *Rome*, betwixt some of the Pope's Souldiers and the Duke of *Crequi's* Servants (then Embassador there) ruffled the Pope himself with such unheard of Insolence, that for mere fear he was constrain'd to abandon divers of his Friends and Kindred, and to the perpetual disgrace of the Holy Chair, and of their Religion, and of the ador'd Father of Christians (as they would seem to repute him) they made him cry like a Child, and erect a Pillar in *Rome*, with an Inscription, signifying the pretended Affront to *France* engraven on it; and it continued some Years standing, till the Tears of his Holiness prevail'd for the demolishing of it. Notwithstanding all this, I say, the Roman Priests do venture to magnify *France* as much as they did *Spain* before, not considering how their Interest of Religion declines there by the marvellous increase of Protestants and Jansenists, and by the indifferency of Zeal in most of the French Papists; and were it not mere Reason of State that holds it up there among the Great Princes for the present, no Man knows how soon it might be relinquish'd. If a little time should happen to alter that Reason of State, it being a voluble thing, if their Ministers shall think they have as good reason to invade *Italy* as other Places, and after Conquest of the smaller Princes there, to seize *St. Peter's* Fair Patrimony as an Addition to the French King's Revenue, and then make the Pope content to be his Chaplain, and to be glad of a Pension as the Mufti is at *Constantinople*; who knows then how far Reason of State may alter it self, and make further Alterations? But let the Popish Party look to that: They may hope the best, if they please; but we and all the rest of the Protestant Party in *Germany* and other parts, it be sure to go to wrack as fast as they can reach us, and then deal with us as they do with their own, in the Concerns of our Religion as well as Estates. Ours shall be sure to go down; and the Papists cannot be sure their Religion will not receive Alterations, especially in the Secular Advantages of Wealth and Power, seeing even in *France* the King hath already converted to his own use a great part of the Monastick Revenues. Therefore it almost equally concerns both Protestants and Protestants, in reference to Religion, to adventure their distinct Hopes and Interests in one Common Bottom and Resolution, to war with him, and to hinder the obstinate pursuit of that Project of an Universal Monarchy.

X. The last Argument that might be brought, is the Universal Inclination of People towards a War with *France*. And the like Inclination, yea, and Necessity that appears among our Foreign Neighbours: Never was there a more universal Consent of Mankind about any one Business; therefore I need not use more words to press it on.

SECT. V.

Account of such Objections and Impediments as by Male-contentments may be cast in the way, in case his Majesty shall see Cause now to make a War.

THAT there are Discontentments among us, is a thing in no wise to be deny'd, and the Authors of them are sufficiently known: They are a sort of omi-
Discontented Persons among us describ'd.
 nous Birds, always hovering about City and Suburbs, presuming to misrepresent, and arbitrate the great Affairs of State; and such is the licentious Liberty
 Vol. III. Hhh 2 they

they take to themselves, that they censure, arraign, and condemn what and whom they please: Ever against the Sitting of Parliament. they gather and appear in whole Flocks and Flocks, brooding of false News, and boding Mischief where-soever they come. They sometimes haunt the Houses of Embassadors, and other Foreign Ministers, if they can get any intimacy with their Servants, with whom they give and take Supplies toward a Stock of Intelligence; the one to furnish the Foreign Post, the other the Coffee-houses, whence they issue again, and make Sal-lies upon the Canary Cabals at the *Globe*, the *Horn*, the *Kings-Head*, or the *Devil*, to furnish them, and settle Correspondences both East and West, and to that end receive Commission to become Emisaries and Trotters betwixt some particular Wiseacres in both the Climates. If the Parliament chance at any time to be Prorog'd or Adjourn'd, that Season proves to this sort of News-mongers, like a nipping Frost to Flies, and they are even ready to die away like fainting Grasshoppers. There's nothing revives them in the Interval, like some unlucky Mischief befall'n the Court. 'Tis Mischief they gape for; and yet are but Fools at doing it, and therefore ought to be better instructed.

For if I lov'd Mischief, and meant to do it, I would first raise Objections to prevent a War now, tho' a while ago I wish'd well to all those that had a desire to promote it. I would object, that it is too late to enter upon it now, because it should have been done last Summer before the French King could have made his late Impression so far into the *Spanish Low-Countries*, and before the Confederates were brought so low. Besides, I would not give way with patience to hear another Man answer me, that it is not too late; but prove that had his Majesty consented to it last Summer, there are most sufficient Reasons to be given why it might have turn'd very much to the prejudice of his Affairs: As for instance,

If England
had entered
into War
sooner, it
would have
turn'd to
his Maje-
sty's Pre-
judice.

1. Had he then declar'd an immediate Consent to it, it would have been all one as to have declar'd a War; for the French are not so slow-witted as not to apprehend it so, nor so remiss as to neglect a dealing with us accordingly. What could we have expected, but that our Merchants Ships, which at that time were in great numbers trading within the Dominions of *France*, would have been immediately seiz'd, with all their Effects, which amounted to a vast Sum of Money? whereby our King, besides the Losses of the Merchants, must have lost a great Sum of Money accruing here to his Customs by the Import of those Goods and Commodities.

2. His Majesty very well understands what an important Point 'tis to consent to a War, which is all one in effect as to proclaim a War, before competent Preparations made for it by Money, Ammunition and Men, Ships, and all other Necessaries for War, could be ready to put it in execution.

3. The French King might then (for ought that can be said to the contrary) have been thereby so exasperated, as to lay aside a while his Affairs in *Flanders*, and being ready furnish'd with all the Necessaries that we wanted, immediately have resolv'd to fall upon us by an Invasion; and what, I pray you, could have hinder'd at that time such a Surprise of us?

4. It had been a strange Adventure to have been so forward to have engag'd our selves by Promise to enter into the War, before it was known what the Confederates would do towards it, to encourage us to their Assistance. The present Distress lies upon them more than upon us; therefore there ought to be no bogling with us, or delaying, but a quick doing what is reasonable for them on their part, to engage us in their Confederacy.

5. The French King having pretended fair for an embracing of his Majesty's Mediation in order to a reasonable Peace, it was questionless very convenient we should stop a while to see what would be the Issue of his Pretence, that in case he should play foul and deceive us, we might have the juster and fairer Cause to war with him.

6. If there had not been any of these Reasons for delay, yet the happy Alliance with the Prince of *Orange* having been since accomplish'd, and being a very good Expedient to open the way for a more convenient entrance into Confederation, is that which may abundantly serve to ballance any pretended Inconvenience of the delay of entrance. But to proceed:

Delay of
War not the
Ruin of
Flanders.

Moreover, if notwithstanding these Reasons, any one of those Men of Intelligence should yet mischievously object, That last Summer's Delay hath been the ruin of *Flanders*, and made the recovery of it in a manner impossible, and should endeavour to persuade others 'tis so, because of the loss of some few Towns there since;

ince; let such consider that the Spaniard, by his not closing yet with us in our friendly Inclination, seems not to be of their Opinion, or that *Flanders* is yet so near ruin, seeing he himself hath made a further delay, by not coming up to our reasonable Demands at this time, whenas he hath of late so much pretended it, and all Men expected he would accordingly have done it out of hand.

Besides, let those News and Mischief-mongers remember, it is not long ago The Variation of mens Minds unaccountable. ince they themselves, in one of the Canary Clubs, were of a mind that the Confederates, if we were join'd with them, would be able to work Miracles in *Flanders* against the French: But now it seems that the loss of *St. Ghislain*, or of a Town or two more, hath in a moment depriv'd us and the Flemings of all Power to do what is fit to preserve the Country. It hath been told me, that very lately, he like Discourse being boldly bandied at a certain Cabal of Coffee-mongers, one that sat smoking hard by in a corner of the Room, stept in, and said honestly: That he wonder'd there should happen among some Men such a sudden Change of Opinion; and that it must needs give a Suspicion there is some invisible Spring that moves them, some secret Intrigue and Reserve in the Heart, when the Tongues go at so rolling a rate; and that they are a sort of People tutor'd to this Tune, to argue *Pro* and *Con* by turns, as their own Occasions alter: That they are resolv'd to dislike whatsoever the King may judg it Reason for him next to do in his Publick Affairs; and that they put on the Approbations and Disapprovements of a War, according as they are influenc'd, and as the Word is given out by their envious Male-contented Leaders; and as it may serve to please or irritate, and to render themselves gracious in their Eyes unto whom they are Retainers. I do remember, *said he*, what Joy the People had, and Bonfires, as soon as the Marriage of the Prince of *Orange* was declar'd; and not many days after, this sort of frequent Changelings rais'd I know not how many Scandals about it. How far the French have had an influence on such petulant Talkers, I cannot say; but other Men more honest speak broad enough about it.

Which having been thus roundly utter'd, the Gentleman laid down his Pipe, and for his Dish of Coffee and went his way, leaving them all in an amaze to guess who this Man should be.

Now no sooner was this Gentleman gone, but another who overheard the Discourse, drew near them (for all are free over a Coffee-dish) and sitting down, said, Gentlemen, pardon me if I tell you I was here t'other day, and heard some others of you discoursing about Mony to carry on the War; and methought it was much any among you should think it reasonable, and most necessary to have War, and others yet be of Opinion, That the Point of Mony should be cumber'd with Delays or Disputes about it. What would the Event of this be? Would it not render us ridiculous to the French, and make them scorn us? Would it not dishearten the Confederates, and make them jealous that whatsoever Resolutions we take to give them hope of Assistance, yet as soon as they are taken, they will by one Accident or other be made impracticable? In time of Necessity, and when *Hannibal* was at the Gates, or any other Enemy nigh coming, the Romans ever instituted a Temporary Officer, whom they call'd *Dictator*; and to him the Senate and People gave, during the Publick Danger, but not longer, as full Power as the King of *France* now enjoys, to do and take whatsoever he should judg necessary to secure the Publick State of the Nation: by which Policy they avoided all Disputes and Debates about the Concerns of the War; and so they generally came off with Success. Be it far from me to urge at this time, that we should in this Occasion of ours imitate them; but yet methinks we should so far learn of them, as to do all we can to avoid and lay aside Disputings, especially about the very Life and Sinews of a War, constant supply of Monys, and other Necessaries; and to come as near the Roman Policy as the Publick Constitution, Convenience, and State of our Government can possibly permit, if we mean to obtain the like happy Success. A Trust must be lodg'd somewhere; therefore 'tis best and safest to place it where, and in what manner the Law hath plac'd it. The Law obliges the People, as well as the King: it obliges the King to make War, where, and when he shall judg it needful. And on the other hand, it obliges the People readily and chearfully to give him necessary Supplies; otherwise this Absurdity would be imply'd in our Law, that it should oblige the King and leave the People loose in this Matter; which can by no means be suppos'd, because then it would oblige him to an Impossibility, it

it being impossible for him to do his part, unless they on their part shall sufficiently supply him. Which 'tis not to be imagin'd the People can be so mad as to decline, because 'tis for Common Safety, the Supreme Law, which is a further Tie upon them; and if they observe not that, it is not only to be wanting to the Ends of Gubernation, but in effect a frustrating both of Law and Government it self; and at this time an unnatural abandoning of our selves, and a giving up of that most noble Cause wherein whole *Europe* is so deeply concern'd.

I thought, Gentlemen, to have spoken no more at this time; but (craving your Pardon) pray, Sirs, let me tell you, I over-heard also here t'other day, what some of your Company said, reflecting upon some State-Particulars past, the reviving whereof would better become the Mouth of a Common Enemy, than a true Englishman, being Matters altogether foreign to the Business of War, which is now the *unum necessarium*, the one Thing necessary: and till all fit Resolutions upon that be taken, why should any Matters inferior, that may cause discontent or division of Minds, be discours'd among you? I will not so much as name them, to give you cause to over-heat your selves to answer me; I resolve to bury them, and all that you then said about them; for I am no Spy upon you, I am a Gentleman, and if any other Person that is an Informer may have taken notice of what you said, and should chance to call me to witness any thing against you, know I have a Gentleman's Memory, very apt to forget all upon such an occasion.

This Discourse (as I have been told) surpriz'd them more than what was said by the other Gentleman, insomuch that the Company star'd on him with silence, being most of them I suppose of opinion, that what he said was Reason: but as there are in all Companies some whom no Reason can satisfy, so there were, it seems, among them some few Emillaries, Trotters, and Mischief-mongers belonging to the Canary Cabals, who began to grumble, but presently broke up and went to the several places of Caballing, and communicated the Matter there to their Principals; among whom there happening to be a false Brother or two, by that means I got the Story.

Now for a Conclusion:

Let me answer one Objection which I hear walks about like a Bugbear to affright us, *viz.* That tho our Chronicles tell us, that *Edward* the Third conquer'd *France*, and his Son *Edward*, call'd the *Black Prince*, brought their King Prisoner into *England*; and tho *Henry* the Fifth made a Second Conquest of them more compleatly, being crown'd King at *Paris*, and his Son *Henry* the Sixth also was crown'd there, and reign'd over them many Years, yet the Case is alter'd now, *France* is quite another thing, it is now one compact Body: in those days it was shat'd by divers Sovereign Princes, which made the French King but little in comparison of what he is in these days; being become exceedingly more potent and more difficult to subdue, by reason of his present Lordship over all those Sovereignties.

England
as capable
now to deal
with Fran-
as former-
ly.

To ballance these Advantages of his, note, that *England* also is (thro God's good Providence) become much more powerful than it was in those days; for tho in those days we had *Ireland*, yet it was but a miserable half-planted Country always rebellious against us, so that it was an extraordinary Charge, and a Clog rather than a Help to us: but now we have it improv'd to the height, and the Irish in good order with our English; also the Accession of the Kingdom of *Scotland*, a numerous and warlike People, which then also was another great Clog upon us, now united with us. To these Considerations add, That by addition of the Confederates, if they please to be plain with us, we may, I suppose, be Counterpoise enough to answer all the French Advantages: and no Man that knows what *England* is at Sea, and what an English Seaman is, will doubt, especially if *Holland* join with us, that we may be a Match sufficient for that King; and that we overmatch him in this, that we have a better Cause, and therefore (God pardoning our Iniquities in other matters) have a better hope of Divine Benediction.

Which being well weighed, we may very aptly invert the old Saying of *Cicero*, *Iustissimum Bellum iniquissimæ Paci antefero*: that is, being a little paraphras'd in English, I upon the whole matter conclude; That a most just War is to be prefer'd before a most unjust Peace, most dangerous to us, and all the rest of the European Nations.

STATE TRACTS

Relating to the

A F F A I R S

O F

SCOTLAND,

Publish'd in the Reign of King *WILLIAM III.*

STATE THREATS

ALLIANCE

OF

THE PEOPLE

A Breviate of the State of Scotland,

in its Government, Supreme Courts, Officers of State, Inferior Officers, Offices, and Inferior Courts, Districts, Jurisdictions, Burroughs Royal, and free Corporations.

Printed
Apr. 1689.

THE antient Kingdom of *Scotland* being govern'd for many Ages by Kings, upon the Death, Removal, or Incapacity of their Kings, or in extraordinary Cases, there was always an extraordinary meeting of the Three Estates, who appointed Governors during the *Inter-regnum*, or the same States being as the Representative of the whole Body, call'd the *Great Assembly of the Nation* proclaim'd a King; who being King, by virtue of the whole Bodies proclaiming of him King, call'd a *Parliament*, or more ordinarily a *Convention of States*, so had not Power (tho they were the same Members that constitute a Parliament) make Laws, but only to lay Impositions upon the Subjects for some Exigences. King being once thus once proclaim'd, *virtute Officii & Coronæ* inherent to the Office, tho it wants the Ceremony or Solemnity of Coronation, names the Officers of State, Greater and Lesser, grants Commissions to the Judges fit for every Sovereign Court, Inferior Courts and Jurisdictions, and grants Commissions to the Officers of the Crown, of the Army, the Lion Heralds, Governors of Forts, and other Inferior Officers in Civil and Military Affairs, &c. Sometimes the King calls a Parliament, which is the Great Council of the Nation, to crown him, and to make Laws, to corroborate or ratify the old wholesom Laws, something in desuetude, which makes them New Laws; because when in desuetude, and not recently in execution, the Penalty incur'd is become so universal to the Nation, that the Execution in that Case of them would prove dangerous. Thus a Parliament lawfully call'd, hath the Chancellor to preside; if no Chancellor, they choose their Preses: the Register, and the Clerks of Session (his Deputies) are Clerks of Parliament, and the same are as to a Convention. But a general Meeting of the Three States chuse their Preses, Clerks, and other Officers and Servants, except such as are heretibly so. In time of Popery, when not only our Kings, but all *Europe* had enslav'd themselves to the Court of *Rome*, there was no other which ty'd King and People to the True Apostolick Doctrine and Worship. When *Scotland* was Reform'd, and the Protestant Religion establish'd by Law, there was an Oath enjoyn'd, and always taken by the King (except of late) for professing and maintaining the same Religion, and our Kings were never us'd to come to any part of the Regal Power till they took this Oath.

A King being once proclaim'd, names the Officers of State, &c.

The Officers of State in that Kingdom are Eight in Number.

The Great Officers are,

- I** Lord High Chancellor, who is President in all Courts he sits in, except the *Officers of State in Scotland, who.* thesaurary and Exchequer: he has a Pension and a Salary.
- I** Lord High Thesaurer (or Commissioners) who presides only in the Thesaurary and Court of Exchequer: A Pension and a Salary.
- I** Lord Privy Seal, Keeper thereof, the Emoluments thereof.
- I** Lords Secretary one or more, who most ordinarily attends at Court: A Pension and the Emoluments of the Office.

The Lesser Offices of State, are

- The Lord Register ; who is Keeper of the Register and Rolls of Parliament, &c. being a place of the greatest Trust and Emoluments in that Kingdom, and is ordinarily a Lord of Session, and has a Salary likewise.
- The Lord Advocate, who advises and pleads all the King's Causes, &c. a Pension and Emoluments.
- The Lord Justice Clerk, which tho a very old Office, has no Emoluments, but a Pension.
- The Lord Thesaurer Deputy, who has the same Emoluments in his degree with the Thesaurer, and presides in the Thesaury and Exchequer in the Thesaurer's absence : both have Pensions.

*The Officers of the Crown, besides the Officers of State, are**Officers of the Crown.*

- The President of the Council, and so takes his Place next the Chancellor ; a Pension.
- Collectors General.
- Master of Requests.
- Directors of the Chancery, which is an Old and Honorable Office ; the Emoluments of the Office.
- The Director of the Rolls.

*The First Supreme Court of the Nation is the Parliament.**Parliament the Supreme Court**Consists of 3 Estates.**The Method of choosing the King and Parliament going to sit.**The Method of choosing the Lords of Articles.**Orders their Acts to be published, without which they were not accounted of any force.*

IN this Court (which is so call'd by the King's Proclamation in needful Places) the King himself sits immediattly upon a Throne under a Canopy of State, or in his absence (since King of England) by his Commissioner ; and this Court consists of three States : In time of Popery the Bishops and Miter'd Abbots made the first State, but since, of Arch-Bishops and Bishops ; sometimes the Nobility and Gentry the Second ; the Burroughs the Third : tho there be Persons that urge good Arguments to maintain that the Nobility, the Gentry who are represented by certain Commissioners from each Shire, and the Commissioners from Burghs, &c. with the Assistance of a General Assembly sitting, make the three States of Parliament.

The King or his Commissioner, with the three States, the day of their meeting, ride in their Robes and foot Mantles with their Attendants from the King's Palace in a Parliamentary way ; the meanest State by way of Precedency by two and two riding foremost, so by degrees, and the King or his Commissioner last to the Parliament House : then the King or his Commissioner is conducted to the Throne. Prayer being said, after all plac'd, the Rolls are call'd, the Court fenced ; the King if present, tells them the reasons of calling them, or the Commissioner by the King's Letter, presenting of his Commission, and by a Speech to the Parliament tells the Reasons of their meeting : next they choose the Lords of the Articles ; but the old Form is alter'd, for one State us'd to choose eight out of another State, which being thirty two, with the eight Officers of State makes forty ; but now by Act of Parliament it's settl'd that the King or Commissioner choose the eight Clergymen, the Nobility choose their own eight, and those sixteen choose eight of the Barons and eight of the Burgesses : which way of choosing the Members of the Articles would insinuate a fourth State, besides Officers of State, or else one of these call'd the States would seem to be superfluous, or at least not essentially necessary to constitute a Parliament, which would make the fore-said Argument good. This is all that is done the first day, and so they ride in the same order to the King's Palace. The next day or sometime that afternoon, the Commissioner meets with the Lords of the Articles to prepare matters brought into the Parliament. When any thing is past in the Articles and Parliament by the Major Vote, the King or Commissioner touches it with the Scepter, which imports the King's Consent, without which it is of no Force ; and in their Votes they approve or not approve, or say *non liquet*, for there are no Dissents or Protests allow'd in publick Acts, being accounted treasonable ; *sed licet protestare in privatis pro interesse*, and takes Instruments in the Registers Hand. This Court ordains the Acts to be printed and proclaim'd, without which they seem'd of old to have no import, till they were *leges promulgatae*, notwithstanding of any late Customs introduc'd.

This

This Court does revise or reduce Acts and Decrets of any other Courts, and cancels the Rights and Properties of private Parties, if not prescrib'd by Law; and even in that case they have found Prescriptions short in some Circumstances. This Court names Commissioners in every Shire, for Cess, Excise, Supply, &c. names Justices of Peace for High-ways, Bridges, Briefs, and other things, tending to the publick Peace and Tranquillity of the Kingdom in their Divisions: And whatever might have been done in this great Court, which might furnish ground of Grievances, it's not the fault of its Constitution, or of the Members thereof, since all is carry'd by the Major Vote; but of some corrupt Nobility, that either expected, or did live by the King's Bounty; or of the Representatives of Shires, or Burghs, that were a packt Party, who purposely contriv'd the late Yokes to debar many good honest Protestants from being capable to be Electors of Members, or elected Members of Parliament themselves, tho otherwise qualify'd by the ancient wholesome Laws, to be both Electors of honest Men, and elected themselves.

What Officers it names.

The Second Supreme Court is the Privy Council.

THIS Court consists of the Chancellor who presides, of other Officers of State, the President of the Session, Justice General, and such others of the Nobility and Gentry as the King pleases to name. This Court was originally appointed for the publick Affairs, and are Judges of Riots, and Disturbances given to the Peace of the Nation; but it arose to its height only when King James came to England, who plac'd much of the Power about the publick Safety and Peace of that Kingdom in the Privy Council: Yet till of late this Court did never decide in Civil or Criminal Causes occasioning any Debates, but remitted the same unto the Judge Ordinary, either, *via ordinariâ*, by raising of formal Processes, or summarily by remits, and the Parties Application to the Judge, or Judicator competent. Many think this extraordinary Power given to this Court was a ready way, not only to introduce the dispensing Power, but also an Arbitrary Government into that Kingdom, the Council having no bounds further than to obey whatever the King by evil Ministers suggested to them by Letters, or other ways: and if there could be an Union properly concluded betwixt the two Nations, the deciding of Riots, &c. might be done by the Sheriffs of the several Shires; and if difficult, the Lords of Session a distinct *federunt* from that of the Session, once or twice a Week, might decide these Affairs, competent to a Privy Council themselves, being made up of ordinary and extraordinary Lords: and this would be a great ease to the Lieges, not being oblig'd to attend two Courts where one might serve. This being only Honorary, they have neither Pensions nor Casualties.

The Privy Council of whom it consists.

Its Jurisdiction.

The Third Supreme Court is the Session call'd the College of Justice a Capite, or Nobiliore Parte.

THIS Court is one of the most Noble, Decent, and most orderly Courts in Europe, both from its first Foundation and later Constitution by King James the Fifth, who, by its new Foundation, created it a College of Justice in the Form of the Supreme Sovereign Court or Parliament of Paris, and gave it great Privileges, Emoluments, and Immunities. Before it was so erected, it was call'd in Scotland the King's Council, or the Lords call'd the Lords of Council and Session; which Title they still carry, being first a Committee of Parliament, and then an Ambulatory Court by Circuits, when it's thought they had a cumulative distributive Jurisdiction center'd in one, which made it both Civil and Criminal. This most Honorable Court now consists of one constant President and fourteen Senators, who have but mean Salaries not suting the Grandeur of their Character, their Fatigue or Attendance, being but two hundred Pound English yearly to each Senator. The Lord High Chancellor presides here when present, but speaks only, except he be a bred Lawyer; the King names several other extraordinary Lords, who sit but are not oblig'd to attendance, because they have no Salaries, and vote with the rest. This Court now sits the first of June, and rises the last of July, and vacates till the first of November, at which time they sit again till the twentieth of December, and then it vacates till the tenth of January, when they

The College of Justice the 3d Supreme Court of Scotland.

How many it consists of.

The times of its sitting.

they sit again, and rises the last of *February*. Many think the Christmas Vacance too long, which occasions their Session from the first of *November* till the twentieth of *December*, by reason of the ensuing Vacance, to have but little effect. In time of Session they sit from nine of the Clock till twelve in the Forenoon, all the Days of the Week except *Sunday* and *Monday*; they sit sometimes in the Afternoon, to end unconcluded Causes, or to hear long Debates, the Forenoon being short to hear them. The Lord Stair, when President, in the year 1676 procur'd a Warrant from the King, giving Power to the President to call the Lords in the Afternoon together to hear and dispatch Business, which was a great Occasion of dispatching the Lieges Affairs, and the Lords follow much of the same Methods as yet. The Senators in the inner House, with the other extraordinary Lords, sit in a semicircle Bench, in their Robes in the Forenoon, but want them in the Afternoon, to hear Petitions, Processes resum'd by the Clerks, and Advocates debate their Clients Cause: They have three or six principal Clerks, who *per vices* as they are employ'd, minute the Heads of great and weighty Causes and Debates, and write the Deliverance of Bills, Interloquitors, and definitive Sentences by the Lords in the inner House, which make Decreits, and which determine all Business in that Court, there being no Appeals from it to any other Court, but by Application to themselves before Extraet, or Reduction, or Suspension in common Form: Which in the second Instance comes always before themselves, and must be upon other new grounds than was formerly represented. Nine of the Lords make a *Quorum* in the inner House, otherwise they cannot vote in any Case, except in particular Cases refer'd to one or more by the whole Lords: and one of the Senators (the President always excepted) is weekly appointed Judge in the outer House for discussing of ordinary Actions, who sits upon a Bench with the six under-Clerks sitting before him, who minute likewise in the course as they do in the inner House all Debates or Writs, Signatures or Sentences of ordinary Causes decided by the Ordinar, who meddles with no extraordinary case, except where it's remitted to him by all the Lords to be discuss, in the outer house for Dispatch. There is a Roll of ordinary Actions, such as Summons, simple Reduction, Improbation, Recognition, &c. Advocations and Suspensions in another Roll, for the outer House, when these are call'd, Terms granted, Acts extracted, which when call'd here are either Sentences pronounc'd by the Ordinar in the outer House, and so decreted, or else the Parties crave a Representation of one point or more to all the Lords, and the Ordinar to make a Report of their Interloquitor, which he reports in the outer House the next day ordinarily, or at the side Bar the next Week: but the most of Causes in the outer House, especially of consequence, come to the inner House, by making an *avisandum* to all the Lords, and are inroll'd in course by Warrant in the inner House-Roll of ordinary Actions, which in their Course again come to be call'd in the inner House before all the Lords: after Debate, either there is a Decision, or the Cause is concluded. Where there is any Probation led and inroll'd *de novo* in the Roll of concluded Causes in the inner House, then it's advis'd by the whole Lords with close doors; and where there is any difficulty after, the President resumes the whole Cause and Debate, and the Lords call the Parties and their Proctors to see if they have any further thing to say, and ordinarily they have nothing material to add: Then the Lords order them to remove, and upon serious Deliberation they debate and vote, and call in the Party and their Advocates, and by the Mouth of their President declare their Sentence definitive, which is a Decreet to be extracted, as all other Decreits are, by the Clerks, conform to the Minutes and Warrants of the Process: If there be more sheets in the Decreet than one, the principal Clerk signifies the joining of every two sheets, and the Lord Register subscribes the last sheet of the Decreet, which contains the whole Libel, as it is in the Summons, the Executions, Debates, and Interloquitors of the outer and inner House, and the Lords Sentence. This is a *Vidimus* of the Lords of Sessions Procedure, but of all the Courts in that Kingdom their Decreits and Procedure are most formal, so that the Lords by their Constitution are oblig'd to do nothing but by greatest Deliberation in the World. Upon these Decreits the Parties raise horning, and other Diligence under the King's Signet for payment of the Debt or securing of the Debtor's Estate for Payment thereof. This Court is said to have a distributive Jurisdiction only, but no competent Judicatory for Life or Limb, &c. but for Faults competent to themselves, too tedious to insert here, being intended but as a Breviate. This Court makes Acts of *sederunt*, equivalent to Laws and Acts of Parliament, and are in force till they be approv'd of, as ordinarily they are,

The Lord Stair
procur'd a
Warrant
for their
sitting in
the Af-
ternoon.

The Clerks
their Of-
fice.

How many
of them
make a
Quorum.

The Method
of their
Proceed-
ings.

Has only a
distributive
Jurisdiction.

re, or recall'd by Parliament, which is seldom, or never, because the Lords of Session are the proper Interpreters of Acts of Parliament, who have a Bench in Parliament, not as Judges, but sit there in time of Parliament, to give their Opinion to the Parliament, when requir'd in matters of Intricacy. The Lords of Session make their own Collectors and other Servants of the House, except the four ordinary Macers who serve them in time of Session, and have their Commissions from the King, with yearly Penfions besides their ordinary Dues from Parties. The Lords appoint certain of their Number weekly to sit upon all Bills of Suspension, &c. and for examining of Witnesses by turns. This Court having formerly been call'd the King's Council for the Reasons foresaid, had not only a contributive, but a cumulative Jurisdiction. The Reasons for dividing and giving part of their Power to the Privy Council, and partly to the Justice Court, are not fit now to be urg'd. The restricting the Power of this Court, and imparting it to others, and displacing Judges that were honest Men, notwithstanding their Commission (*ad vitam aut culpam*) who could not comply with any designs against their Conscience, and placing Men not fit for that weighty Employment, or that would comply, was a ready tool to serve that Prerogative (which some Parliaments gave the King, by the help of evil Ministers that were either too forward, or others that conniv'd at any thing was enjoin'd them) to a Stretch of Fundamentals, ending always by degrees to a Despotick Power and Arbitrary Government. This Court likewise has an Ordinar at the side Bar, which (tho not in their constitution) dispatches much ordinary Business, as is pretty well regulated within these two Years, allowing none at the Bar but one at once. Some think (as was noted before) that this Court might supply the Privy Council for the ease of the Reges.

The Fourth Sovereign Court is the Justice or Criminal Court, having a Cumulative Jurisdiction.

THIS Court came in place of the Justice Eir, or Justice General, which was last of all in the Person of the Earl of Argyle, who transacted for it with King Charles I. and was made then Justice General of all the Islands, which rais'd great Debates betwixt him and some pretended heritable Sheriffs there, and that Jurisdiction was taken away by the Parliament 1672. which was erected in a Justice, or Criminal Court. This Court consists of the Justice General alterable at the King's Pleasure, Justice Clerk, and five other Judges, who are Lords of the Session; and this Court ordinarily sits upon Monday, and goes sometimes to the Country by Circuits, which the Country found to be very uneasy to them: The ordinary Clerk of this Court has his Commission from the Justice Clerk; they are four ordinary Macers and a Doomster appointed by the Lords. The Clerk takes a Libel or Inditement upon a Bill pass'd by any of the Lords thereof, at the instance of the Pursuer against the Defender a Criminal, who is readily incarcerated or Citation. When the Party, Witnesses, and great Assize or Jury of forty-five is cited, the day of Compearance being come, fifteen of the greatest Assize are chosen to be the Assize upon the Pannal or Prisoner at the Bar; if he be a Peer, the first part of his Assize are Peers, and the Assize sits with the Judges to hear the Libel read, Witnesses examin'd, and the Debates *hinc inde*, which is *verbatim* written in the Adjournal Books. The King's Advocate pleads for the Pursuer, and the King's Cause, and other Advocates for the Pannal. The Debates being pass'd, they either find the Libel or Inditement not relevant, in which case they adjourn the Diet, and absolve or absolve the Party; or if relevant, then in that case the Assize or Jury of fifteen is remov'd to a closer Room, none being present with them, where they choose their own Chancellor and Clerk, and consider the Libel, Deposition, and Debates, and bring in their Verdict of the Pannal, whether guilty or not guilty; if not guilty, the Lords absolve, if guilty they condemn and declare their Sentence of Condemnation, and the Punishment to be put in Execution against the Pannal by a Macer, and the Mouth of the Doomster. So the Pannal is carry'd to Prison till the Sentence be put in Execution. Of late the King's Advocate hath brought in an use of raising a Summons of an Assize of Error against the Assizers, if they find not guilty, and they are try'd as the other Pannal, which occasion'd a great deal of Grumble and Murmur, Men choosing (being on Soul and Conscience) rather to be fin'd than to be Assizers. All these Lords have Penfions.

The Court of Justice is the 4th Sovereign Court.

Of whom it consists.

The Method of its Proceedings.

The

The Fifth Supreme Court is the Exchequer, or properly the King's Baron Court.

*Exchequer
or King's
Baron
Court is
the Fifth.*

THIS Court consists of the Lord High Thesaurer, who presides, tho the Lord Chancellor were present, or of Commissioners in place of Thesaurer and Thesaurer Deputy, who presides even among the Commissioners, being one himself, or in absence of the said Lord Thesaurer. There are several Assistants to them who are call'd the Lords of Exchequer, who have little power, because the Thesaurer or Commissioners, and Thesaurer Deputy, carry all as they please, because they but sign in the Exchequer whatever the Thesaurer, or Commissioners and Thesaurer Deputy, revise and pass in the Thesaury-Chamber before. This Court was formerly over-ru'd by the Comptroller of the King's Accounts, and the Master of Requests. All the King's Grants, whether Commissions, new Charters, or Charters of Confirmation, with *de novo damus*, Confirmations of Subvassals, Charters from their Superiours to prevent Forfeiture, and other things which pass of course for small Composition, Gifts of Ward, single or tax'd, Letters, Pensions, &c. are revis'd and compon'd by the Thesaurer, or Commissioners, and Thesaurer Deputy, pass in this Court; and there are few Debates before it, for where there is any matter of Law, it is remitted to the Judg Ordinar, if there be any new Signatures. Parties leas'd or injur'd compear, and give in Petitions to be heard, and so they are either pass'd *simpliciter*, or with Protestation are stopt, till the Cause be further represented. The King's Will was a Law in this Court, and so whatever the prevailing Ministers suggested to be the King's Pleasure, was readily comply'd with there by some, and conniv'd at by others: The Lords have no Pensions nor Emoluments.

There is a Sixth Court call'd a Sovereign Judicator, which is the Admiral Court.

*The Admiral
Court
or Sovereign
Judicator is the
Sixth.*

THIS Court came first to an height by King James VI. *Act Parl. 18. cap. 10, &c.* And this Act ratify'd and further extended by King Charles II. *Parl. 2. cap. 16.* and further amplify'd by the Act 1681. declaring it a Sovereign Court in it self, his Royal Highness the Duke of York being then Lord High Admiral, and was the King's Lieutenant, and Justice General on the Seas, and all Ports, Harbours and Creeks thereof, and upon fresh Waters or navigable Rivers below the first Bridges, or within the highest Flood-marks where there were no Bridges; he had the sole Jurisdiction in all Maritime Causes, Foreign or Domestick, Civil or Criminal, exclusive of all other Judicators, with many other Privileges: He reduces Decrets of inferior Admiral Courts, and revives his own. No Advocation from, or Suspension of these Decrets, but by the whole Lords of Session in time of Session, and by three in time of Vacancy, and must be discuss'd summarily without the Order of a Roll, and that the Admiral and his Deputy have the sole Right of granting Passes or safe Conduct to all Ships, &c. In that Parliament there were strong Debates to oppose this Act, shewing, That it would be a retrenching of the Power and Privileges of the Lords of Council and Session, and Incroachment thereupon, &c. This Court which is kept by the Judg Admiral only, and his Deputies, meddles with Bills of Exchange of Merchants, which is thought to be intrinsick to that Court, and, no doubt, is very proper and convenient for encouraging of Trade and Commerce, and for the Credit of the Nation abroad with Foreign Merchants, that there should be a particular Court erected of honest knowing Merchants, who are the only proper known Persons to judg in such Cases, and requiring summar Execution, for many Reasons that might be given. This Court also since its Sovereignty was extended, the Judges thereof were active enough to ply their time, the Benefit of their Sentences accruing to themselves, he making himself a Judg competent, in Actions not competent for him, as was said already, or in case the Customs were put in a Commission, the Judges whereof no doubt should be knowing Merchants, who did not traffick themselves, and would be fit Judges in Debates about Bills of Exchange. These have the Emoluments of the Court.

*His Juris-
diction.*

*Debates in
the Parl.
1681. a-
gainst it.*

A Breviate of the State of Scotland.

431

The Second great Heritable Offices in the Kingdom, are

The Lord High Constable.
The Lord Marshal, and these exercise their Jurisdictions, and keep their Guards in Edinburgh and the Parliament House, the time of the Meeting of the General States of Parliament, or Convention.

The Heritable Officers of Scotland.

The Heritable Usher,
The Crown Bearer,
The Scepter Bearer,
The Purse Bearer,
The Sword Bearer.

} Before the King or his
Commissioner in time
of Parliament.

These have been alter'd in the time of some Parliaments.

The Chancery.

The Director of the Chancery, an antient and honourable Office, having been formerly the King's Chaplain, *ergo* Clericus.
The Director Deputy, his own two Clerks, and a Register with two Copraters.

The Military Offices within the Kingdom, whose Commissions are granted by the King, are.

The General, and all other Officers under him in Military Employment, they have their ordinary Dues, which are known.
The Lieutenant-General; of old there were Lieutenants of Shires and Counties, but in desuetude.

The Military Officers of it.

The Master of the Ordnance, who is ordinarily term'd Lieutenant-General of the Artillery: This Office will be the better distinguish'd by ridding Marches betwixt it and the Governor of the Castle of Edinburgh, to whom it was incommodious of late, the Army lying there.

The Major-General.
The Captain of the King's Guards of Horse, who takes place, and hath the Pay always of a Colonel, and is the first Colonel in the King's Forces; and his two Lieutenants, Cornet, &c. take their places in the Army accordingly.

The Colonels first of the King's Guards of Foot, then the Colonels of other Regiments either Horse or Foot as they are in, with all the Captains, Lieutenants of Companies and Ensigns, with other subaltern Officers.

Captains and Governors, Lieutenant Governors or Constables often so call'd, and other subaltern Officers of the Castles and Forts, whereof there are five only in repair, and garison'd in Scotland, viz. The Castle of Edinburgh, where the Crown and Honours, and the most material Registers of the Kingdom are kept, and is a good Port commanding the City of Edinburgh; here is kept the King's Cash, when there is any Store or Quantity of it, of which sometimes there was an ill account made: the Castles of Strivling, Dumbarton, Blackness, and the Bass; but the Earl of Mar is heritable Keeper of Strivling Castle, the rest at the King's Grant.

The Muster-Master General has his Commission from the King with a yearly Pension, and ought to be a bred Soldier, being a place of great Trust in that Sphere.

The Lyon-Office.

The Lyon King at Arms has his Commission ample from the King, with great Privileges, Immunities and Emoluments; and as it is most antient, so it is a most honourable Place.

The Lyon-Office and its Officers.

The Lyon Clerk, } The Lord Lyon with those make a Court, and issue Precepts
The Lyon Heralds, } relating to their own Court and Jurisdiction, and have the
Pursivants. } Fees and Emoluments of their Offices.

Messengers have their Commission from the Lord Lyon, and are conven'd for faults, convict, sentenc'd and punish'd, or depriv'd by this Court; but the creating of too many ignorant Messengers, contrary to the old Law, is a great inconvenience and Oppression to the Nation: So that this Crew, and the number of them, should be regulate and conform to the old Law, for the fourth part of Messengers now in Scotland might serve.

Mint-

*Mint-House Officers.**Mint-Office.*

The General of the Mint.

The Master of the Mint-House.

The Warden thereof.

The Sey-Master thereof.

The Clerk, and many other inferior Officers: They have their Fees and Emoluments.

This Office has been much abus'd of late by the evil management of the Bullion and Coin.

The King's Ordinary Servants anent his Health.

Two Physicians in Ordinary. with Pensions, they serve the King's Commissioner.

One Apothecary, } More of Honour than of Profit since our King liv'd in *England*,

One Surgeon, } only they have small Pensions, and are free of all publick

One Almoner. } Burdens, as all the King's other Servants are.

Bishops.

The Bishops (when in being) have their Commission or Congy de lier from the King, which is only but the King's Consent to the Dean and Chapter's Election of fit and qualify'd Persons for the Offices, in their several Sees, which is the granting of the Consent before the Election real: For this Election, being of a long time but a Sham, because the King orders the choosing such a Man, the Person nam'd being recommended by a Court Minion, whether good or bad, the King hardly knowing him, so that the Clergy themselves having been impos'd upon of a long time, as well as other People, proves a Check in that Kingdom, since the Power of the General Assemblies was taken away, and the Power thereof center'd in one Man in every Diocess. They constitute their Commissaries, who keep their Courts with their own Clerks, except where the King has the making of Clerks. The See of *St. Andrews* being divided, and the Bishoprick of *Edinburgh* taken out of it by King *James VI.* they have the naming of the four Commissaries of *Edinburgh* equally between the two Bishops. But all those Commissary Courts, which formerly were constituted for Patronage and Provision to the Widow and Fatherless, prov'd a Burden to both those and the Lieges, by their Exactions and Quot, and Confirmation-Mony for Testaments, tho there were never so little left by the Defunct to his Wife and Children: and generally the People in *Scotland* seldom agree with Bishops for their Commissary-Courts; and many, even sober, neutral, unbiass'd, and unprepossess'd of the Difference of Church-Government, think that a well constitute, moderate Presbyterian Government, that had not power to meddle with matters of State or Superintendency, either by Speech or in a Pulpit (which was the first Government after the Reformation) and was establish'd in other well-govern'd Countries, would agree and sute better with that Peoples Constitution; and these Governments and their Constitutions may be writ of apart, if judg'd convenient.

Their Courts a Burden to the People.

The King appoints a chief Ranger of his Forests, and Keepers of his Parks; but some have monopoliz'd the King's Benefit, by the pretension of having those things heritable by a long Tract of their Possession.

A List of the Inferiour Officers in Scotland, who have their Commissions from the King, or of late from the several Officers of State, other Persons, or Corporations.

*Places deriv'd by Commissions from the King still.**The Inferi-
or Officers
of it.*

One or Two Solicitors or Agents for the King: A Pension.

Two Clerks to the Privy Council: Emoluments of that Court.

Two or Three Receivers or Cashkeepers: A Pension.

Conservator in the Low Countrys: Pension and Emoluments.

One or Two Post-Masters General, and Letter-Offices, chiefly in *Edinburgh* and other Places: Emoluments and a Pension.

This Office would be extended thro all the Kingdom.

Clerks to the Treasury: Emoluments.

Two Clerks to the Exchequer: Emoluments.

Register

gister to the Thesauri : Emol.
 k to the Admiral Court : Emol.
 ne Commissary Clerks : Emol.
 lectors to the Customs, but that Office would be better regulated in a Commis-
 ion to the benefit of the Nation, and the publick Revenue, which can be made
 ppear to a demonstration, and it has several depending Officers : Emol.
 mberlain to the Crown Rents of the Earldom of *Rofs* and Lordship of *Arden-
 nach*. This Office in some hands has been a vast Burden to the *Fewers*, and less
 Benefit to the King : A Pension.
 e Chamberlain of the Crown Rents of *Orkney* and *Schotland* : A Pension.
 lector to the Annuity of *Teynds* ; none for the present.
 veyor General : a Pension.
 ks to the Coquets in some Places : Casualties.
 lectors of the Church *Teynds*, if brought into the Exchequer, by which great
 enefits might be made, and the Clergy sufficiently provided, not in being as
 et.
 rk to the High Commission, if it continue : Casualties.
 iter to the Privy Seal : Casualties.
 er to the Exchequer : Casualties.
 enter of the Thesauri : Pension.
 : King's Printer : Emoluments. Master of the Revels : Emoluments.
 : King's Barber, Taylor, Sadler, Shoomaker, &c. Pensions.
 ler to the Artillery : Emoluments, and small Pension.
 g's Smith. King's Mason : Pensions.
 g's Wright or Joyner, and many others of this nature ; all have Pensions.

Dependers on the Lord Chancellor in his Office.

ender of the Great Seal : Emoluments.
 Cashiate : Emoluments.
 Purse Bearer. The Mace Bearer : Both Pensions.
 Keeper of the Inner-House Roll, and concluded Causes : Emoluments.

*Dependers
on the
Chancel-
lor's Office.*

Dependers on the Thesaurer, or Commissioners, and Thesaurer Deputy.

he inferior Officers in and about the Thesauri and Exchequer.
 Farmers of King's Customs, if in being.
 Collectors of Excise, and all other inferiour Collectors of the King's Rents
 d Revenues, all have Pensions and Casualties.

Treasurers

Dependers on the Lord Privy Seal.

Keeper of the Privy Seal only ; Farm'd.

Privy Seal.

Dependers on the Secretaries of State.

Keepers of the Signet one or more, and their Deputies : Allowance of Pension.
 Writers to the Signet, Fees of their Employment.
 Signatures that pass under the King's Hand before they come to the Exchequer,
 e sign'd and dock'd by the Secretary, and he is to be answerable for what he
 cks and signs, notwithstanding that the King subscribes. The Dues for
 icking only, which is five Pound.
 own Deputies and Servants in their Office.
 al others have their Commissions that way.

*And Secre-
taries of
State.*

Places depending upon the Lord Register bringing vast Casualties by their Entries.

ix Clerks of Session, who are Clerks to the Parliament, and their six Under-
 rks, and all Extracters in the three Offices. All buy their Places of the Lord
 Register : Emoluments.
 Clerks of the Bill-Chamber, and several other Clerks there, which is a great
 ice, and of great Emoluments.

*Places de-
pending on
the Lord
Register.*

The Sheriffs Rolls, and Stewards Rolls, Clerks (who are not many) but these are call'd Clerks of the Exchequer, and the Lord Register gets Entry-mony for them and their Deputies : Fees.

The Clerks of the Baily Rolls ; *Ibidem* Fees.

The Clerks of the Borough Rolls and their Deputies : *Ibidem* Fees.

The General Register of Saifings, &c. Fees.

The General Register of Hornings and Inhibitions : Fees.

All the particular Registers of Saifings, Inhibitions, &c. in every Shire and Borough of the Kingdom : Fees.

The Clerk for admission of publick Notaries in the whole Kingdom : Fees.

Of late the Keeper of the Rolls of the Outer Session-House, and the Keeper of the Minute-Book of all things done in the Inner and Outer House, tho it properly belong'd to the Lord President, with Advice of the Lords.

All Clerks to the Justices of Peace in the Kingdom : Emoluments.

The Keepers of all the Registers and Rolls of Parliament, and Session, laid up in the Lower Parliament-house within the time prescrib'd to be there kept, with all his Substitutes and Sub-Clerks within the Kingdom. This is a great Emolument likewise, and is one of his Casualties, what Fees they please.

There is another Office added to him, Parliament 1685. in the Clerks Office, call'd Keeper of the Register, which is beneficial, and seems to be a Grievance to the Nation, by the addition of half a Mark Scots Mony to him for every Subscription.

The King's Advocate.

The King's Advocate. He grants only Deputations to Persons in his own Office in any part of the Kingdom, where his Presence cannot be in Criminal or Circuit Courts.

His own Principal Servant, who in his name passes all extraordinary Bills competent to him for his Dues, and Summons that are not privileg'd without his Marking, and Commissions for Trial.

The Justice Clerk.

He grants only Commission to the Clerk of Justice Court, some servile Macers, and the Doomster of that Court.

Town of Edinburgh.

Officers of the Town of Edinburgh. The Two Town-Clerks, and the several Deputies and Dependents in City and Suburbs, the Emoluments of which are great, and a place of great Trust, who ought to be known Lawyers, and Men of great Skill as well as Integrity.

Agents for the Boroughs, chiefly dispos'd of by the Provost : A Pension.

Keepers of the Tolbooths or Prisons of *Edinburgh, Leith* and *Cannon-gate* : Emol.

Clerk to the Meetings of the whole Boroughs : Emoluments.

Clerks to the King's Customs there : Pensions.

The Disposal of many other beneficial Places within the City and Suburbs, which with their other Privileges, Rents casual and real, and Stems, makes a great publick Good ; but ill employ'd, being seldom call'd to an account, tho the Lord Thesaurer, or Collector General, or Commissioners of the Thesaury, are oblig'd yearly to call them, by virtue of an Act of Parliament, to an account in the Exchequer ; neglecting of which proves a great Detriment to the publick Good of the Place.

Sheriffs and their Deputies, only the Fees and Emoluments.

Most of the Sheriffs were antiently heritable, and being a Matter more of Profit than of Charge, our Kings bought many of their Rights, so that there are now some of them heritable, some by the King's Gift.

The Sheriff may sit by himself, or his Deputy, who judges in ordinary Causes, as also in Thefts, Murder, and lesser Crimes ; but in Murder when the Criminal is taken in hot Blood, tho there be no Appeal in this Kingdom, yet any Cause may be taken from it by Advocation before Sentence, or Suspension of the Decreet after Sentence by the Lords of Session in Equity, &c. and are the ordinary Reasons given in

their Petitions or Bills: these Courts are much incroach'd upon by some later Realities by Repledgiations.

A List of the Sheriffdoms of the Shires of Scotland, and their Sheriffs.

Sheriff-
doms of
Scotland.

- 1 The Shire of *Edinburgh* comprehending *Midlothian*. By the King's Gift.
- 2 The Shire of *Berwick* containing *Merce*. Earl of *Hume*.
- 3 The Shire of *Peebles*, containing *Tweddall*. Earl of *Tweddall*.
- 4 The Shire of *Selkirk*, containing the Forest. *Murray* of *Philipbaugh*.
- 5 The Shire of *Roxburgh*, containing *Tevidale*, &c. Duke of *Buccleugh*.
- 5 The Shire of *Dumfries*, containing *Nidisdale*, &c. formerly Earl of *Dumfries*, now Duke of *Queensbury*.
- 7 The Shire of *Wigtown*, containing the West part of *Galloway* to *Carruck*. Sir *Andrew Agnew*, but for present the Viscount of *Dundee* by the late Incroachment.
- 8 The Shire of *Air*, containing *Kyle*, *Carret* and *Cunningham*. By the King's Gift.
- 9 The Shire of *Ranfrew*, containing that Barony. Earl of *Eglintoun*.
- 9 The Shire of *Lanerk*, containing *Clidisdale*. Duke of *Hamilton*.
- The Shire of *Dunbarton*, containing *Lenox*. Duke of *Lenox*.
- The Shire of *Boat*, containing the Isles of *Boat* and *Arran*. *Stuart* of *Boat*.
- The Shire of *Interara*, containing *Argile*, and some of the Western Islands. Earl of *Argile*.
- The Shire of *Perth*, containing *Atboll* and much Highlands, with the Earldom of *Monteith* and *Trathern*. Marquiss of *Atboll*.
- The Shire of *Striveling* lies on both sides of the River of *Forth*. Earl of *Marr*.
- The Shire of *Linlithgow*, containing *Westlothian*. *Hopetoun*.
- The Shire of *East-Lothian*. Earl of *Wintoun*.
- The Shire of *Clackmannan*, containing a part of *Fiffe*. *Bruce* of *Clackmannan*.
- The Shire of *Kinross*, containing another part of *Fiffe*. Earl of *Mortoun*.
- The Shire of *Coupar*, containing the third Division of *Fiffe*. Earl of *Rothies*.
- The Shire of *Forfar*, containing *Angus* with its Pertinents. Earl of *Soutbesk*.
- The Shire of *Kinkardin*, containing *Mermis*. Earl of *Marshall*.
- The Shire of *Aberdeen*, with its several Pertinents of great extent. By Gift.
- The Shire of *Bamsay*, containing part of *Buchan*, &c. Laird of *Auchmedan*.
- The Shire of *Elgin*, containing the Eastern part of *Murray*. *Dumbay* of *Westfield*.
- The Shire of *Naim*, containing the West part thereof. Sir *Hugh Campbell* of *Calder*.
- The Shire of *Inverness*, containing *Badzenoch*, *Lochqualer*, and the South part of *Ross*; but formerly contain'd all beneath it. Earl of *Murray*.
- The Shire of *Cromartie*, containing that part of *Ross* within its Frith. Viscount of *Tarbat*.
- The Shire of *Ross*, containing the *Sky Lewis* and *Harrick*. By Gift.
- The Shire of *Sutherland*, containing *Strathwater*. Earl of *Sutherland*.
- The Shire of *Cathnes*, containing that Country. Earl of *Cathnes*.
- The Shire of *Orkney*. By Gift.

The Burghs of Regality and Barony being no State, sending no Commissioners Parliament, or Convention; and having less Privileges, and belonging to particular Persons, as the King's Grants, and where these Lords or Barons hold their particular Courts (but have power of Pit and Gallows) they are not to be stated of here, not concerning the Government much, except it be where late Lords incroach upon old Jurisdiction.

Constabularies, Stewartries and Bailaries.

- Constabulary of *Haddington*, containing *East-Lothian* and *Lautherdale*. Earl of *Constabularies*, &c. of it.
- Constabulary of *Dundee*, and other Pendicles. Now the Viscount of *Dundee* by the late alteration.
- Stewartry of *Strathern* with its Pendicles. Earl of *Perth*.
- Stewartry of *Monteith*. Earl of *Monteith*.

Stewartry of *Annandale*, with its Pertinents. Earl of *Annandale*, *Johnston*.
 Stewartry of *Kirkcubright*, containing all the East part of *Galloway*. Earl of *Northdale*.
 Bailiary of *Kyle*, in desuetude.
 Bailiary of *Carrick*. Earl of *Cassils*.
 Bailiary of *Cunninghame*. Earl of *Eglintoun*.

The Royal Boroughs, and the Free Incorporations of Scotland.

The Government
of the Royal
Boroughs.

These are a State apart, and have their yearly Conventions, from which a Commissioner comes from every one of them to the Parliament, Convention, or General Meeting of the States of the Kingdom: They make Laws also for themselves about Trade, and other things relating to the Incorporations; their Conventions are circular, going round about the head Burghs, and at one Meeting name the other. In these Boroughs there is a Provost, call'd the Lord Provost; in the Metropolitan City of *Edinburgh*, equivalent to the Lord Mayor in *England*; he is *Præfectus Urbis*. In *Edinburgh* there are four Bailiffs or Aldermen that are next to the Provost in the Government: In most of all the rest of the Boroughs, there are only their Provost, and two Bailiffs or Aldermen. They have also their Dean of Gild or Edilis, their Thesaurer and Common Council; all (if legally chosen) are chosen by their own Community, conform to their Charters: Their Council, of which the one half is chosen by Merchants, the other half by Tradesmen every Year. The Trades have their Courts, for which there is one from every Trade call'd the Deacon, and choose their Deacon Convener to meet about their own Affairs; these Free Corporations are call'd Freemen of Trade. The Town-Council meets once or twice a Week, to consider the Affairs of their Incorporation; they have their several distinct Courts for administering in different Affairs, but their Magistrates by their Fundamental Rights continue but one Year, notwithstanding of any late Court-Procedure with which some Citizens comply'd for private Interest.

A List of the Boroughs; and because many of them strive for Precedency, they are set down in their several and respective Shires.

The Royal
Boroughs.

*Middle, East, and West
Lothians.*

Angus.

Ranfrowshire.

*Edinburgh the Metropolis,
Linlithgow,
Haddington,
North Cerevick,
Dunbar,
Perth in Perthshire.*

*Dundee,
Montross,
Forfarr,
Breichen,
Arbroath.*

*Ranfrow,
Pasley,
Ruglen.*

Marr.

Galloway.

*Aberdeen,
Kintore,
Inner-rurie.*

The County of Fiffe.

*Kirkcubright,
Wigtoun,
Withorn,
Stranrauer.*

Boyn.

*St. Andrews,
Coupar,
Kirkaldie,
Crail,
Anstruther,
Pittinweeme,
Dysert,*

Clidisdale.

*Bamsfe,
Cullen.*

*Leithferry,
Kingborn,
Innerkerthing,
Burnt-Island,
Queensferry,
Dumfermling,
Cullross.*

*Glasgow,
Lanervick.*

Ross.

Murray.

*Inverness,
Tayne,
Dingwall,
Air in Kyle,
Irvine in Cunningham,
Rothsay in Boot,
Dumbarton in Lennox,
Inverara in Argyle,
Fetburgh in Tevidale.*

*Clackmannan in Clackman-
nanshire.*

*Elgin,
Nairn,
Forress.*

*Peebles in Tweedall,
Selkirk in Forrethire,
Striveling upon Forth,
Dumblain in Monteith,
Dornoch in Sutherland.*

Annandale.

Nithisdale.

*Annan,
Lochnabun.*

*Dumfreis,
Sanquhar,
Berzy in Meris.*

All these inferiour Judges and Magistrates, tho they have their own Law and Customs to rule by, yet all their Decisions and Determinations center in the Common, Civil and Municipal Law, by which the Sovereign Judicatures proceed; and that gives a check to any Irregularities that these commit in their respective Jurisdictions for redressing the Grieved. Many things might be added to this, were it not intended only as a Breviate, to give a Vidimus to those who are not oblig'd to know so much of the present State of *Scotland*, and the Incroachments of late.

A SPEECH made by a Member of the Convention of the States in Scotland.

WE are now call'd together by his Highness the Prince of *Orange*, to consult and deliberate what Methods will be most proper to secure our Religion, Laws and Liberties; in order to which the first thing that will lie under our Consideration is the settling the Sovereign Power.

I take for granted, that you are fully convinc'd that King *James* the VIIth. by his many Violations of the Fundamental Laws, by his endeavouring to establish a despotic and Arbitrary Power, and introduce Popery (tho he himself had convert'd all the Laws that were enacted in favour of the Protestant Religion) has thereby subverted the Constitution, and (that our Miseries might have no Redress from him) has left us in a time when we needed his Protection most. The Eyes of all *Europe* are upon us, and it is in our Power to make our selves, and our Posterity, either happy or miserable, by making a Choice either to call back the same King *James*, and hazard once more all that Men account dear, to his Mercy, or to settle the Government on some other, under whom we may live quiet and peaceable Lives, without the perpetual Terror of being swallow'd up by Popery and Arbitrary Government, which all good Men hop'd were now banish'd; and yet behold a new Offspring is sprung up, which plead eagerly for both, tho under the mistaken Names of Duty and Allegiance. It's strange that any Man can so far degenerate, as to prefer Slavery to Liberty, and that they should be so much in love with Chains, that when they were fairly shaken off, they should run furiously to be fettered again; as if the Ottoman and French Government were so charming in our Country, that we cannot live without it, tho we have so lately groan'd under the double Burden of it: And it might have been suppos'd, that even those, who had been instrumental in enslaving their Fellow-Brethren, and were grown fat with sucking the Nation's Blood, would have taken another method to reconcile themselves, than by persuading us to purchase their Safety at so vast an Expence as the Ruin of more than three Parts of the Nation will necessarily amount to.

If we do but a little reflect on the Motives which these Men (blinded by Self-interest) make use of, to delude the Nation into a Security that wanted very little of proving fatal to it, and compare them with the strong Reasons we have to dissuade us from being so impos'd on, they will be found so weak and impertinent, that we must judge it next to Impossibility, to suffer our selves to be twice deceiv'd. But if the Experience of our former Miseries, so lately hanging over our Heads (tho very Thoughts of renewing which make all good Men to tremble) has not made us wiser, and be not of efficacy enough to deter us from venturing another Shipwreck, and exposing all again to the Discretion of Roman Catholicicks; it's more

by his Arbitrary Power subverted the Constitution of Scotland.

The Folly of trying him again.

than

than probable that God has abandon'd us, and given us up to believe strong Delusions.

Kings not
free from
Punish-
ment on
Earth.

First, They will endeavour to persuade us, that Kings are exempted from Punishments here on Earth, and nothing they do can be quarrell'd by their Subjects; which indeed might with some Reason be urg'd among the *Turks*, who reserve nothing from the Power of their Sultan, and where it's Death to dispute his Commands, tho never so Arbitrary and Tyrannical. But with what Impudence can such Stuff be impos'd on us, who never admit our Kings to the Government, till they swear to rule us according to Law, and no otherwise? The Laws are the only Security we have for our Lives and Properties; which if our Sovereign subvert, Subjects cannot be blam'd for making use of the ordinary means to preserve them: and since that cannot be done without withdrawing Obedience from such a Magistrate as goes about to destroy them, such an Act cannot properly be said to punish him, because we take nothing from him to which he has a just Claim, but do only shun the occasion of making our selves miserable. The Speculative Doctrine of Passive-Obedience has done too much mischief among us, and what has befallen the King may be justly imputed to it; for the believing that without Opposition he might do what he pleas'd, encourag'd him to take such Measures as have drawn all these Misfortunes on him.

That Notion
was the
Ruin of the
late King.

No Limita-
tions can
secure a-
gainst him
if brought
back.

Secondly, Others are so fond as to believe, that we may be secure in calling the King back, provided they so limit him, that it will not be in his power to hurt us. These Men do not consider, how small a Complement this is to a Man of the King's Temper, from an Absolute Prince, as he was pleas'd to fancy himself, to content himself with the bare Title of a King; and how insupportable the Change must be, if from being Master of all, he must force himself to comply with a Thousand Masters, and see his Throne become his Prison. But how airy is it to fancy, that any Restrictions of our Contrivance can bind the King? For it's most certain they can never be voluntary, and what is constrain'd and done by Force, is by Law declar'd to be void and null; to whose Assistance the Pope's Dispensing Power being join'd, would quickly blow off these *Sampson* Cords, and the Royal Power would again revive with all its Vigour and Lustre.

His Reli-
gion will
not suffer
him to keep
his Oaths
with us.

Thirdly, The King is of a Religion that has in a famous Council decreed, That no Faith is to be kept with Hereticks, much less with Subjects, whom he looks upon as so many Rebels, and will not miss to treat them as such, whenever they give him the Opportunity of doing it; for his greatest Admirers do not run to that height of Idolatry, to imagine him so much Angel, as not to take all Methods to revenge so great an Affront, and secure himself, at our Cost, from such a Treatment for the future: the Apprehensions of which Resentment will strike such Terror in Mens Minds, that nothing will be capable to divert them from offering up All for an Atonement; and Popery and Slavery will be thought a good Bargain, if they can but save their Lives. Then we may lament our Miseries, but it will not be in our Power to help them; for a Prince of *Orange* is not always ready to rescue us, with such vast Expence, and so great hazard to his Person: and if our Madnefs hurry us so far, we deserve rather his Pity than his Resentment.

Has given
no Evidence
since his
Departure
that he will
be better
for the fu-
ture.

Fourthly, What Arguments has the King given since he left us, to persuade us he will be more faithful in observing his Words and Oaths, than hitherto he has been? Does he not in a Letter lately printed here, expressly say he has rul'd so, as to give no occasion of Complaint to any of his Subjects? Is not the same Letter sign'd by one who sacrific'd both Conscience and Honour to Interest, whose pernicious and headstrong Counsels have posted him to his Ruin, tho all that has been done cannot make him sensible of it? Sure the reducing Hereticks to the See of *Rome* is not less meritorious than before, nor King *James* the Seventh, by breathing the French Air, become less a Bigot: It were a Dream to fancy it. For so long as the Vatican thunders Excommunications against all such as do not use their utmost Endeavours to extirpate Heresy, a Roman Catholick must have no Religion at all, if they be not terrible to him.

Factions,
&c. will
not be ex-
tinguish'd
by calling
back the
late King.

The fifth Argument they made use of to persuade such as are and shall be chosen Members of the Convention, that it's their Interest to call back the King, is, That the Peace and Happiness of the Nation cannot be otherwise secur'd, nor Factions or Divisions extinguish'd. But what Factions do you observe, but such as they themselves do foment, on purpose to disturb our Harmony? all which would immediately die, if the Government were once settled on those who deserv'd it best: for then, if these Fops continu'd still fond of Popery and Tyranny, they would

would be chastis'd as Disturbers of the publick Peace. The Argument may very justly be retorted; for if the King return, we will burst out into a Flame; and *England*, which has already declar'd, will quickly be on our Top, an Enemy too potent and too numerous for us, tho we were all united: besides, the Danger to which such a Procedure will expose us, will cut off all hopes of an Union with that Nation, and thereby deprive our selves of an unspeakable Advantage, which would redound to all sorts of People, and would be the only means to support an impoverish'd and sinking Nation. Neither is this the only Inconvenience, tho it be a very great one; for if we state our selves in opposition to *England*, by restoring the King whom they rejected, it is not to be doubted but he will use his utmost Endeavour to recover that Kingdom, the Loss of which is so considerable. Now, seeing it were vain to suppose that the *Scots* alone were able to second his Desires, he must needs have recourse to the *French* and *Irish*, whose Religion will procure a more intire Confidence than his Majesty can repose in any others. These therefore must be receiv'd into our Bosom; and because *Scotland* is the most proper Place for invading *England*, it must be the Scene of all the Blood and Confusion that this melancholy Thought gives us a Prospect of. And what Treatment can such Sham-Protestants expect from those, who otherwise would have become their Friends and Allies? And what Figure will they pretend to make, when they set up for a separate Interest from all the Confederate Protestants in the World besides?

*His Cal-
ling back
will in-
flame Eng-
land and
Scotland.*

The happy Success the Prince's Enterprize has met with, has made a considerable Alteration in the Affairs of *Europe*; for that great Enemy of the Protestants, and even of Christianity it self, who had propos'd nothing less to himself than an Universal Monarchy, whom the strictest Leagues and Contracts cannot bind, but without regard to God or Man threatens all his Neighbours with utter Destruction, by the Scene's being chang'd among us, is so far humbled, that from a proud and insulting Enemy, he is become a Supplicant for Peace; well foreseeing that if *Britain* join with those other Princes, whom his Insolence, Cruelty and Avarice has justly arm'd against him, his Ruin is inevitable: So that if we have not Soul enough to enjoy this great Blessing, and can easily part with the Glory of being no more the Arbiters of *Europe*, let us at least have so much Christian Love and Charity for the neighbouring Nations of our own Persuasion, as not to expose them to a necessary Participation of these Plagues, which our common Enemies are preparing for us, and which will certainly terminate in all our Destructions.

*The Pr. of
Orange's
Success has
alter'd the
Affairs of
Europe:*

Lastly, I beseech you to consider what Persons they are who would instil this Poison in you, and you will find them of three kinds. First, those who postponing the common Good of the Nation, are wholly act'd by Self-Interest, considering that in a Government where Justice and Mercy equally flourish, Virtue and Merit, not Villany, will be rewarded. Secondly, They who are ignorant of the Nature of Government, and were never at the pains to inform themselves what Measures the Law of Nature and Nations have set to Mens Obedience; but are against every thing that thwarts their wild Notions, and will admit of nothing, tho ever so reasonable and convincing, if their dull Capacities cannot reach it. The third sort are such as have been instrumental in the inflaming their Country, and are afraid, if they be call'd to an account, they may be brought to suffer condign Punishment; if such cannot succeed in their Design, they at least hope to be over-look'd in a general Confusion: so they have nothing unessay'd that may tend to their own Safety; and if Heaven fail them, they summon Hell to their Aid; not that they are to their Prince, but mere Ambition and Interest drives these Criminals to such Attempts, neither are they much to blame, if they are at such pains to sow Divisions among us. But no Person of Wit and Judgment, nor any good Man who is truly Protestant, and minds the Good of his Country, will suffer himself to be so grossly impos'd on by such Firebrands, who would build their future imaginary Greatness on the Ruin of our Religion, Laws and Country.

*Went Per-
sons they
are who
are for cal-
ling him
back.*

The Preliminaries to the Crown of Scotland, as propos'd by the Grand Committee.

I. **T**HAT all who shall succeed to the Imperial Throne of this Kingdom, shall be of, and publickly profess, the true Reform'd Religion presently profess'd in this Kingdom.

II. That they shall marry none but those that profess the said Religion.

III. That before they enter to the Exercise of the Regal Power, or Administration of the Government, they be bound to take the Coronation-Oath; and that all Deeds done by them before their taking the said Oath, be null, and the Subjects not oblig'd to obey them.

IV. That the Government of the Church by Bishops be abolish'd, and Presbytery establish'd.

V. That all Officers of State, Privy Counsellors, Lords of Session, and all Officers of the Army, and Governors of Forts, be nam'd by the King with Consent of Parliament; and in the Intervals of Parliaments, by Consent of the Council: and such Nominations in the Interval of Parliament, only endure to the next; and if not approv'd by them, to be null, and all Commissions otherwise granted, to be null.

VI. That the Power of the Militia, and of Peace and War, be in the King and Parliament.

VII. That in Forfaultures for Treason, the King and his Donators shall be oblig'd to pay the forfaulted Persons lawful Debts contracted before the Forfaulture; at least their Estates shall be liable therefore, and the Sub-Vassals shall incur no hazard by their Superiours Forfaultures.

VIII. All Waird-holdings, and its Effects, extinguish'd.

IX. That no Mony be levy'd without Consent of Parliament.

X. Free Quarters and Locality for Soldiers be discharg'd.

XI. That some Law be made like that of the *Habeas Corpus* in England; and that Subjects be not imprison'd *causa indicta*, and kept in Prison not try'd.

XII. That there be frequent or Triennial Parliaments.

XIII. That Treasons be more specially design'd. That the Subjects be not forfaulted upon frivolous Grounds.

XIV. That the imposing of arbitrary and exorbitant Fines be discharg'd.

XV. That the Judges Places be *ad vitam aut culpam*.

A Vindication of the Proceedings of the Convention of the Estates in Scotland, Printed in May 1689.

WHEREIN

the Lawfulness and Power of that Meeting is clear'd.
 the Original of Government, and the Nature of our Monarchy in particular is enquir'd into.
 the Laws concerning the King's Absolute Power, and the Texts of Scripture for a Jure Divino Monarchy are examin'd.
 the Allegiance to King James is stated, and whatsoever can be urg'd against the Present Settlement of the Crown resolv'd.
 the Unreasonableness of our present Discontents, and the Necessity of an entire Adherence to King William and Queen Mary.

THE Dethroning a King, and setting the Crown upon the Head of a new Sovereign, is certainly a Matter of so great Weight, of such vast Importance and Concern, that it requires the most serious and deliberate, the most calm and unprejudic'd Minds to determine it; hasty and undigested Resolutions, in any Case dangerous, would unquestionably in this prove fatal and ruinous. Our Nation has been formerly branded with an opprobrious Epithet of being a *blind herd*: how carefully the Estates presently conven'd have guarded against such reproachful Calumnies, their wise and prudent Proceedings will clear themselves to every impartial and unbiass'd Enquirer.

*The Great-
ness of De-
termining
me and set-
ting up an-
other So-
vereign.*

It were next to a Miracle to find all Men contented upon so sudden and extraordinary a Change of Affairs: for there being not only a misguided Party amongst us, who under the pretext of Conscience (which without due and sufficient information proves a dangerous Guide) disturbs the present Settlement with groundless Jealousies and Discontents, but also a dangerous Faction, who having their scandalous Esteem bridg'd, and their selfish Interest concern'd, rage and wickedly malign all healing Methods that are contrary to their malicious Designs: it is not possible to prevent their unreasonable Clamours against the most lawful and peaceable Proceedings. Ill-natur'd Men take pleasure to live in the fire of contention, and will not be at the pains to consider things with a steady and unprejudic'd Mind: and it is a very hard and difficult, as well as unpleasant Task to work for all their bosom Reasons, or examine the private Whispers, and Confessing Tales of a discontented Party. It shall therefore satisfy me to consider the most material Objections that may be propos'd against the Convention and their Proceedings.

*Altogether
possible to
have all
pleas'd
with it.*

Nothing is liable to quarrel is the Meeting it self, which we must briefly vindicate before we can examine their Proceedings: for unless we can make it appear that it was lawful for the Estates to meet, and had power to order the present Settlement, all their after Proceedings are void and null.

*Whether
the Scots
Commission
was lawful
or not.*

That this was no illegal Meeting seems to be made evident, not only by several Acts of Parliament, including all Conventions, Meetings and Assemblies, without the King's Command, or express Licence, as Act 1. Parl. S. Jac. 6. and Act 1. Sess. 1. of King Charles II. but also by a Solemn Oath call'd the Test, all Persons in publick and full power, That it was unlawful for Senators, upon any pretence whatsoever, to assemble, convene, or assemble in any Councils, Conventions, or Assemblies, to treat, or determine in any matter of State, Civil or Ecclesiastick, without his Majesty's Command, or express Licence had thereto. Nor can it invalidate the present Con-

*Objection
that it
was not
lawful
because
they were
not call'd
by the
King.*

vention, that it was call'd by the Prince of Orange, because the Noblemen and Gentlemen who desir'd the Prince of Orange to take the Administration of Affairs, and issue out Writs, acted only in a private Capacity, and consequently illegally and unwarrantably.

Answer'd from the Necessity of it. I confess this is a very considerable Plea, and seems at first view to carry in it no small weight: I shall therefore endeavour to make it evident, beyond contradiction, That there was an absolute necessity of such a Convention, and that all Laws and Oaths which forbid such unavoidable Assemblies, are rash and unlawful.

By the Confusion of the Kingdom upon the late King's withdrawing. It is well known in what disorder the Kingdom was on the Report of King James's withdrawing and leaving England: and there being no probability of having matters settled by the King's Council, there being so few to meet, or willing to meddle with Publick Affairs in such a general Consteration, the Necessity we were reduc'd to, made the Noblemen and Gentlemen then at London apply themselves to the Prince of Orange, That he might take upon him the Administration of Affairs, and issue out his Writs for a Convention. This was judg'd the only safe and proper Method could be taken to prevent the threatening Disorders and Confusions of the Kingdom; which was not, I assure you, the hasty Resolution of a discontented Party, but the deliberated Advice of the best Lawyers, and surest Friends the late King had.

There not being then the least probability of keeping the Nation from ruin in such a confus'd condition, without calling such a Convention, it seems unreasonable to urge former Laws and Oaths against absolute, necessary and unavoidable Meetings: such Laws ought to be repeal'd if they be not (as I apprehend they are) void and null in themselves, and Men should seriously repent who stain'd their Consciences by such unlawful Oaths; for it is certain, beyond debate, no Man can be oblig'd to what is impossible.

When Men shall prove that a Nation can subsist without Government, and that Peace and Order can be expected when every Man does what seems good in his own eyes, then let them condemn those Conventions which unavoidable Necessity, against which there can be no Law, so warrantably allows.

There has been so much already writ against that unlawful and contradictory Oath call'd the *Test*, that I shall not be at the pains to consider it, referring you to my Book intituled, *The Case of the Earl of Argyle*, where you will see that scandalous Oath (for explaining of which, in order only to satisfy his own Conscience when he took it, that Noble Earl suffer'd the loss of his Life and Estate) sufficiently expos'd to the Contempt of the World.

The Scots had no King to order an assembly of the States. As for those Laws that discharge Subjects from meeting and consulting without the King's express Command or Allowance, the very Acts suppose that Subjects have a King to order and appoint such Meetings: but in the present Case the King had deserted his People, without giving them the least intimation what Methods they should take; and there being no hopes of any Commission from him to settle a confused and disorder'd Nation, they were necessitated to meet and consult without waiting and attending his Command or Licence. Nay, suppose King James had been call'd back, he could not in Conscience question the lawfulness of the Meeting; for how could Subjects have advanc'd his Interest, without meeting to consult upon fit Measures? I only instance this, to shew the necessity of such a Convention in absolutely necessary and urgent Cases.

The late King assum'd the Government contrary to Law. But besides, King James did assume the Government contrary to Law, and intirely destroy'd the Constitution of the Kingdom, as shall afterwards be made appear; and the Nation not being able to ease it self of those Grievances it groan'd under, the People were forc'd quietly to suffer and endure what they could not remedy, until the illustrious Prince of Orange, sent from Heaven to relieve the Oppressed, procur'd us a Deliverance from those Miseries; and having, at the desire of the Noblemen and Gentlemen then at London, issued out Writs for the present Convention (without which we had had no orderly Meeting) the Nation was then put in a Condition to ease themselves of a King who had assum'd the Government, and begun to destroy their Religion, Laws and Liberties: So that the late King having no just Sovereignty, the People could not be his Subjects, and these Laws only obliging Subjects, they could lay no Bond upon them not to meet.

Cases wherein such Conventions are necessary. Thus, I hope, the Lawfulness of the present Convention is sufficiently clear; but yet to give Men some further satisfaction, I shall instance two or three other Cases, which will contribute to make it evident, That there is a necessity of such Meetings

Meetings and Assemblies: 1. *What if the King were a Child, and unfit for Government?* 2. *What if he became Furious and Lunatick?* as lately in Portugal. 3. *What if he became an absolute Tyrant?* which differs not much from the former. 4. *What if he should publickly resign the Government?* Or, 5. *Alienate the Kingdom, or desert and abdicate it?* And lastly, *What if the Royal Line should be extinct?* These are all Cases which have frequently fallen out; and must Subjects in these Circumstances be still and suffer the Kingdom to ruin it self with Disorders and Confusions? All these seem to be plain and obvious Cases, in which it is absolutely necessary for the Estates of the Kingdom to meet and consult how to settle the Government, and prevent otherwise unavoidable Ruin. When Men shall shew me how the Safety and Peace of a Nation can be secur'd in such Cases, without such a Convention, then shall I forbear to quarrel with them for condemning the present Meeting. But since it is evident such Cases may occur, it seems unreasonable to make Laws, or impose Obstacles to hinder unavoidable Conventions.

But for a farther removing of all Scruples that may arise concerning the Lawfulness of such Conventions, it should be consider'd that they derive not their Power from Laws (except of necessity) and cannot be discharg'd or forbidden by Parliamentary Acts, they being antecedent to, and not capable of being restricted or consider'd by them. Such Conventions represent that first Meeting which contracted with our first King, and consequently must still retain that Power to meet and consult whether their King hath violated and destroy'd that Contract at he made with them. When Men shall either convince me, or force themselves to believe there were ever a Nation under Heaven so mad or fond of Slavery, as to tie up themselves freely, and without constraint, to be absolutely rul'd by one Man, and to obey whatsoever he shall command; then I shall believe the present Convention can plead no Right in that Original Contract, which all thinking Men acknowledge. I confess some People by Force have become Slaves, but it is impossible without a continu'd Force to keep a whole Nation in such a brutish Obedience, and far more unreasonable to apprehend they did freely submit to their first King, and oblig'd themselves and their Posterity to obey him and his Successors, without any Promise or Engagement on his part. Let all Ages be consulted, and will appear evident and unquestionable that there was never an oppressed People, who so soon as ever put in favourable Circumstances, and in a capacity to ease and relieve themselves, did not imbrace the Opportunity, and chearfully meet and combine to shake off that Slavery which is repugnant to their Original Constitution of being protected and govern'd according to Equity and legal Establishment.

They derive not their Power from the Laws, and are antecedent to Parliamentary Acts.

Having thus far clear'd the Lawfulness of the present Convention, I come in the next place to consider their Power: and here first I apprehend it will be easily granted, That since the threatening and inevitable Disorders did require such a Convention, it is in the Power of this Meeting to consult on fit Measures to prevent such Disorders; and there being nothing that gave rise to these, but the Encroachments and Violations made in the legal Constitutions, and the just fears of Slavery and Slavery, it is reasonable in the second place to acknowledge, that the present Convention might warrantably examine what Encroachments have been made upon the Government, and might fall upon just and proper Methods for freeing the Nation of them, and securing the People from any such future Inconveniences and Pressures as they then groan'd under. But, 3ly. whatever Power that Convention had which made choice of our first King, as entred into a Contract with him, this present Meeting retains that same intricate Power: and as our Ancestors had Power to limit a King of their own choosing, and to give him the Crown upon certain Terms and Conditions, so the present Meeting hath Power to consider whether King James (of the same Race) hath violated and invaded the Fundamental Constitutions of the Kingdom, and accordingly declare for his retaining or losing the Right of the Crown. And altho it is confess'd that after our Predecessors entred into that Contract, they became Subjects, yet it is as certain they became only Subjects upon certain Terms and Conditions, which being violated and broken, their Subjection ceases: And tho every private Person is not a Judge in this Case, yet those who entred into that Contract, and their Representatives, must be Judges; and the present Convention being the true Representatives of those who contracted with our first King, they have Power to determine how far the Fundamental Constitutions of the Kingdom have been invaded of late. 4ly. As the present Convention have Power to consider what

What Power the Convention must have.

what Violations have been made upon the Legal Constitution by the late King and his Ministers, so upon their declaring the Throne vacant, they have Power to settle the Government for the safety and good of the Nation, and to consider of fit Preliminaries, that what is a Just Grievance may be remov'd, and the Crown settled upon such Conditions that we may not be in hazard of being hurry'd again into former Miseries. But because these and other Particulars I might here enlarge upon, will necessarily fall in to be consider'd, when I come to answer Objections, I shall supersede them at present, and proceed to vindicate the past Resolutions of the present Convention.

The Deliberation they took before it declar'd the Throne Vacant.

The first thing to be consider'd, is their Reasons for declaring the Throne Vacant; and here we must observe that the Convention did not hastily and inconsiderately proceed against King James, but deliberately consider'd the several Instances of his Maleverfation, and the Incroachments and Violations he made upon the Constitution, not only by acting contrary to Law, but destroying the Law it self: and the several Reasons were again and again read and argu'd one by one, so that the whole Convention, except some Bishops, and four or five others, were satisfy'd in every Article before the Vacancy of the Throne was determin'd. I take notice of this, because this National Procedure is challeng'd by a late Author, in a Pamphlet intituled, *Salus Populi, &c. as not so becoming the Respect due to the Sovereign Majesty, nor the National Kindness to the antient Race and Line*, to use such direct and extraordinary Accusations. One would think a Throne should not be declar'd Vacant without some Reason, and the greater the Violations have been, the stronger are the Reasons for declaring such a Vacancy. And how could the Convention either satisfy themselves or the World, if they give no Reason for Dethroning King James? No thinking Man will readily challenge them for want of Respect or Kindness, if the Reasons they have given, warrant the thing it self: Sure it had argu'd less Respect and Kindness to have declar'd the Throne Vacant without giving any Reason, or to alledg only with this Author, his deserting the Kingdom, to be a sufficient Reason; for I know few rational Men will be satisfy'd with that. And it is a general mistake to think the Convention in England did declare the Throne Vacant upon that Account; and the Author acknowledges it was the Method of England, first to take notice of the King's Maleverfations: they judg'd that the King deserted, abdicated, or renounc'd the Government before his leaving the Kingdom, by assuming an Arbitrary and Despotick Power, destroying the very Constitution of their Government; but no Man of sense, but this Author, ever thought that a King's leaving the Kingdom is a sufficient ground for rejecting him, for at this rate the best of Kings, thro the Power of a prevailing Faction, might forfeit his Right to the Crown: If there had been any ground for such a Plea, the Enemies of King Charles the Second had certainly made use of it. But passing this unreasonable Tenderness of this Author, which can have no place here, I come to consider the Reasons for declaring the Throne vacant.

Their Reasons for their so declaring, ist his being a Papist,

The first is, King James the Seventh, being a profess'd Papist, did assume the Regal Power, and acted as King, without ever taking the Oath requir'd by Law, whereby every King at his access to the Government is oblig'd to swear to maintain the Protestant Religion, and to rule the People according to the laudable Laws. This Reason has two Branches, which must be distinctly consider'd: First, *The King's assuming the Regal Power, being a profess'd Papist.* Secondly, *His acting as King without taking the Oath*, which our Law requires all Kings should take at their access to the Government. Both these are join'd in one Reason, because both are comprehended in the same Act of Parliament; a part of which Act I shall set down here for a further clearing of the whole Affair.

And not taking the Oath according to Act of Parliament.

" Because that the increase of Virtue, and suppressing of Idolatry, craves that
 " the Prince and the People be of one perfect Religion, which of God's Mercy
 " is now publicly profess'd within this Realm; therefore it is statute and ordain'd
 " by our Sovereign Lord, my Lord Regent, and the Three Estates of this present
 " Parliament, that all Kings and Princes, or Magistrates whatsoever holding their
 " Place quhilk, hereafter in any time, shall happen to reign and bear rule over
 " this Realm, at the time of their Coronation, and receipt of their Princely Authority,
 " make their faithful Promise by Oath in presence of the Eternal God,
 " that during the whole Course of their Lives they shall serve the same in Eternal
 " God, to the uttermost of their Power, according as he has requir'd in his most
 " Holy Word reveal'd and contain'd in the New and Old Testaments; and according

According to the same Word shall maintain the True Religion of Christ Jesus, the preaching of his Holy Word, and due and right Ministration of the Sacraments now receiv'd and preach'd within this Realm, and shall abolish and gainstand all false Religion contrary to the same; and shall rule the People committed to their Charge according to the Will and Command of God reveal'd in his foresaid Word, and according to the laudable Laws and Constitutions receiv'd in this Realm, no wise repugnant to the said Word of the Eternal God; and shall procure to the utmost of their Power to the Kirk of God, and hail Christian People, true and perfect Peace in all time coming. The Rights and Rents, with all just Privileges of the Crown of Scotland, to preserve and keep inviolated: Neither shall they transfer nor alienate the same. They shall forbid and repress in all Estates and Degrees, Rife, Oppression, and all kind of Wrong. In all Judgments they shall command and procure that Justice and Equity be kept to all Creatures without exception, as the Lord and Father of all Mercies be merciful to them. And out of their Lands and Empire they shall be careful to root out all Hereticks and Enemies to the true Worship of God that shall be convict by the true Kirk of God of the foresaid Crimes, and that they shall faithfully affirm the things above written by their solemn Oath. *Act J. 6. p. 1. c. 8. Anno 1567.*

Against this first Reason there are two things objected: 1. It is unreasonable, and would be of dangerous Consequence to Protestant Princes abroad, to maintain that a King loses his just Title to the Crown, if he be of a different Religion from his Subjects; and does not the Westminster Confession of Faith plainly declare, That Infidelity or difference in Religion does not make void the Magistrates just and lawful Title? 2. King James's not taking the Coronation Oath, can be no more a Crime in him than it was in King Charles the First, who exercis'd the Government almost eight Years before he was crown'd; nobody being ever so foolish as to dream that the crowning a King, or Coronation itself, made him a King, these being merely more solemn Declarations and Ties, but give Right: besides, this Act of Parliament was made in King James the Sixth's Minority, and before he was King of England, since which time it was not possible instantly to own the King upon his access to the Government; and it is strange, if this was thought material, why the Representatives of the Nation met in Parliament did not represent us to King James.

In answer to both these Objections, I humbly offer these few things to be considered.

1. Government is not a matter of Property, but of Trust given upon certain Terms and Conditions: the King is not to observe his own Methods, and to rule as he pleaseth, he is oblig'd to rule by Law; and our Law enjoining the King to be of the Protestant Religion, certainly the late King James assum'd the Government contrary to Law: and tho that Law was made in the Minority of King James the Sixth, yet since it has continu'd unrepeal'd to this day, and is confirm'd by subsequent Parliaments, it is Ignorance and Folly to carp at it, or deny it to be in Force. Altho then a Papist does not lose his Property because he is a Papist (so many Protestants in France had their Properties and Estates taken from them, contrary to all Equity and Justice, merely because they could not in conscience turn Papists) yet a King being oblig'd to rule his Subjects according to the Fundamental Contract, and the particular Laws of the Kingdom, and to accept of the Government upon certain Conditions, it is undeniable, if he be not qualified according to the Laws, he is not in a Capacity to rule. If the Papists of France could have produc'd any Law for excluding a Protestant from the Government, no Man had condemn'd them for rising in Arms against Henry the Fourth; but tho they had no such Law, yet we know he could not peaceably enjoy the Crown till he chang'd his Religion.

As for Protestant Princes abroad, either their Subjects are mostly of their own Religion, as in Sweden and Denmark, or else they hold their Dominions by Property, which difference in Religion cannot reach; and there being no Law excluding either from the Government, this Plea can found no sad alarm to Protestant Princes abroad.

As for the Westminster Confession of Faith, it does not in the least oppose the present Reason: for not to urge the Qualifications of a just and Legal Title which the Confession says difference in Religion makes not void, it is certain, that the Authors of that Confession had in their prospect the 13th of the Romans, as the

Note

Object. against the first Reason of the Convention.

Answer'd, Government is not a Property, but a Trust given upon Terms, &c.

Difference of Religion makes not void a just Title.

Note in the Margin demonstrates; and the meaning of that Text and theirs must be the same, to wit, that Christians living under Infidel Magistrates, which was the Case of Primitive Christians, should neither nicely examine the Title of their Emperors, nor say their Authority was null; they were to submit, and not to question their Power, as the *Gnosticks* did. Where Civil Government is establish'd, and the Magistrate an Infidel, Subjects being Christians, who live under the Protection of the Government, must not think the Magistrates just and legal Title is void; for the Gospel doth not alter the Laws of a State. Christians who live under the Grand Senior, ought not in reason to question his Title and Authority; and Protestants who live under Popish Princes, must acknowledg their just and legal Power: but our case is vastly different from theirs, for our Laws require our Kings to be of the same Religion with the Subjects. So that we cannot be accus'd of any Injustice, if we refuse either an Infidel, or a Prince of a different Religion (whose Faith obliges him to esteem and treat us as Hereticks) from being our King, or reject him if he assume the Government without being legally capacitated.

A King of Scotland assuming the Government without taking the Oath, a Violation of the Law.

3ly. Tho we do not say that either the King's Coronation, or the Oath our Law requires every King to take at his Access to the Government, makes him King, yet since they are a solemn and customary Confirmation, not only of the Fundamental Contract, but of those subsequent Pactions and Agreements contain'd in the Acts of several Parliaments, and it being expressly requir'd by our Law, *That every King at his access to the Government take that Coronation Oath*, it is manifestly a Violation of the Law to assume the Government without taking that Oath: and tho our Kings since they came to the Crown of England, could not instantly upon their access to the Government be crown'd, yet nothing needed hinder them from taking the Oath requir'd by Law before they enter upon the exercise of the Government; and tho this may be sometimes pass'd over without a Challenge from the Representatives of the People, yet still it creates just Fears and Jealousies; and when it is attended with other manifest Violations of and Encroachments on the legal Constitution, no thinking Man can blame those who are now lawfully met, if amongst other Reasons this be nam'd as a Violation of their Laws.

And a renouncing of the Government.

4ly. Altho it is evident we had never been a whit the securer, tho King James had taken that Oath, since it is well known how little he regarded his Coronation Oath in England; yet since he did not accept of the Government as our Laws require, nay could not, while he continu'd a Papist, take that Coronation Oath, his assuming the Regal Power, and acting as King, was a manifest Violation of our Law, and constructively a renouncing of the Government; for it was an evident Argument he was not resolv'd to accept of the Government upon those Terms and Conditions our Law requires, without which he had no Right to rule.

Their second reason for declaring the Throne vacant.

The second Reason for declaring the Throne vacant runs thus: 'By the Advice of evil and wicked Counsellors, he did invade the Fundamental Constitution of this Kingdom, and alter'd it from a Legal, Limited Monarchy, to an Arbitrary, Despotick Power, and hath exercis'd the same to the Subversion of the Protestant Religion, and the Violation of the Laws and Liberties of the Nation, inverting all the ends of Government, &c.

Now this being the very Foundation of all the subsequent Reasons, which are only several Instances of the Violation of our Laws and Liberties, and a sufficient reason for declaring the Throne vacant, suppose he had neither been a Papist, nor refus'd the Oath our Law requires he should take before his entrance in the Government; I shall therefore consider it more particularly in returning an Answer to the several Objections that may be made against it.

Ob. K. J. by the Parliament in 1685. was declar'd an Absolute Monarch, and so acted not against Law.

First, it is objected, 'That it seems strange to charge it as a Fault on the King, that he was absolute, since in the Parliament holden in the year 1685. the King was declar'd an absolute Monarch to be obey'd without reserve; and whatever is done in Parliament is always constru'd to be the Act of the whole Nation, and cannot be reputed an Act of the King, or any ground for the Subject to repudiate and reject him: for since by Law King James was made an absolute Monarch, he might by Law do all those things which the present Convention libel against him, as Violations of the Government: since your Law made him absolute, you must blame your Law, and the Representatives of the People, and not your Prince who was empower'd by Law to do what he pleas'd.

This Argument, by a careless and unthinking Reader, may seem to carry with it much Force and Weight, but the more observing and wary will easily discover its Weakness. I shall for this effect instance these following Considerations.

1. The

1. *The Fundamental and Original Contract*, whereby the King was oblig'd to protect, and the People to obey; and the very End of Government, viz. the safety of the People, cannot be destroy'd by any subsequent accidental Act or Law: but the declaring a King to be an absolute Monarch destroys the very nature of that Primitive Contract, and ties the People to obey without any Obligation on the Prince to protect. But of this I shall discourse fully in answering the next Objection.

A. The Original Contract can't be destroy'd by any subsequent Act.

2. Aitho by an Act of Parliament the late King was declar'd to be an Absolute Monarch, yet since all former Laws unrepeal'd stood in force, in so far as he acted contrary to those Laws he violated the Constitution of the Kingdom, and acted by an Arbitrary, Despotick Power: for either it must be acknowledg'd that the Act of Parliament declaring him an Absolute Monarch, gave him Power to rase and annul all former Laws (so that we have no Rule to measure our Obedience but the King's Pleasure, nor no standing Law but the Act commanding Obedience without reserve) or else that former Laws, notwithstanding that Act, are still in being, and retain their Force, which the King cannot dispense with, nor act contrary to without a manifest Invasion, and Alteration of our legal limited Government, and this last Branch of the Alternative must of necessity be allow'd; tho I confest makes that Act concerning an absolute Monarch to be the most unaccountable piece of Law that was ever publish'd: for the continuing all former Laws makes the absolute monarch still a limited one; and what Sense there is in an absolute limited Monarchy, I all leave to the late King's Advocate, who could draw Tyeason from the most innocent expressions, to find it out by the force of his Fancy. But I say, former Laws are still in force, else what need'd all the Pains to call Parliaments for repealing Penal Laws against Papists? I apprehend few of them were so foolish as to think the King's being an Absolute Monarch, and by virtue of this Power dispensing with former Laws, as a sufficient Security to keep them from the Penalty contain'd in those standing repeal'd Laws against Papists, upon the Accession of a Protestant Prince to the Government. This Law then of the King's being an absolute Prince, is so inconsistent with the standing of all former Laws, that there are *ipso facto* void and null this be admitted; and if these be still in force, as certainly they must, till repeal'd by that same Power that made them, then this Law must be look'd upon to be void and null, and can never warrant the King to dispense with these former Laws. But thirdly, Granting this Law of making the King an Absolute Monarch, be taken in its full Extent and Latitude, yet still it is of no force to vindicate the King's destroying of our Laws, and the Constitution of the Kingdom: for the giving such Power to the King was more than any Parliament could do, and consequently such an Act was null and void, and no more warrantable or valid than a man's bestowing and giving away what belongs to another, of which he has no Power and Right to dispose; the Parliament might as well have resign'd the whole Parliamentary Power, and all the Peoples Rights and Properties, and yet no wise man would have thought it was in their Power to bestow such liberal Gifts on their Prince: it was never the design of the People who did chose their Representatives to be made Slaves by a publick Law, or to have their legal limited Government chang'd into an Absolute Monarchy; the doing of this was a clear betraying of that trust the People repos'd in them.

His being declar'd to be absolute is inconsistent with the Being of all former Laws.

It was more than the Parliament could do.

But further, it should be consider'd, that the very Design and End of Parliaments is to make Laws for the peaceable and orderly governing of the Nation conform to the Original and Fundamental Contract. But to make our King Absolute is so contrary to the Safety of the People, and the Design of Parliaments, that it is not so much as fall under the Cognizance and Power of such a Meeting.

Lastly, we must consider that the most part, if not all the Members of that Parliament were afraid of being impeach'd for Converse with Rebels, and therefore they were willing to pass any Act that their Lives and Fortunes might be secur'd; they did not generously prefer the publick Good to their private Interests. And need if we take notice of the Methods that were made use of to destroy free Parliaments, the many Pensions bestow'd on many of the most eminent Members, seditious Oaths establish'd for hindring free Elections, and such manifest Corruptions of the Election of Members to serve therein, both in Shires and Boroughs; we must conclude that such a packt Parliament deserves not the name of a Parliament; and that this Act, declaring the King to be an absolute Monarch, is so much the more a Grievance, in that it is establish'd by Law.

What the Parliament did therein was out of fear.

But besides those Considerations which I have designedly mentioned to prove, the Act of Parliament declaring the King to be an Absolute Monarch, and to

This Law destroys the very end of Government.

be obey'd without reserve, is null and void; I might add a great many other Reasons to shew, That the very nature of this Law destroys the end of Government, and could not fail to be fatal both to the King and People, it laying a Foundation for Tyranny and Slavery. It is well known, that the King's great Design in promoting this Act, was to introduce Popery, and the more securely subvert all former Laws, which cannot subsist if this one Law be in force: and I shall leave it to every Man's sober Thoughts, *Whether such an unjust Law, which destroys the legal and limited Constitution of the Government, can be of any force to bind the Subjects; for if Tyranny and Absolute Power may not be resisted, there is an end of our Government.* But as I said already, That the Parliament had no Power to grant a Law whereby the King might overthrow the Government; *so the King cannot by Law accept of such an unlimited Power:* and it is evident, that in promoting and passing this Act, he never design'd to take that Oath our Law requires, for it is altogether inconsistent with it; so that King James having assum'd the Government, and acted as King contrary to Law, this Parliament was no legal Parliament, and this Act is no Law binding the Subjects.

Ob. Monarchy being from God, Kings are unaccountable to any, and can't be depriv'd by the People.

But the greatest dust is rais'd by our Divines, who alledg, 'That Monarchy is *Jure Divino*, and that Kings hold their Crowns immediately from God Almighty alone; that it is by him that Kings reign: that the Higher Powers are ordain'd by God, and are only accountable to him, and therefore cannot be divested of that Right by the People.

Answer'd by enquiring into the Original of Governm.

I should have pass'd by this Objection, it being so common, and so fully answer'd, both formerly and of late, by so many able Pens: but it being urg'd in the Convention with so much Vehemency by one of that venerable Order, and the People being poison'd with false Notions about Government, nothing having more contributed to enslave the Nation, and debauch Mens Consciences, than the preaching up the Doctrine of Absolute Power and Non-Resistance; I shall therefore briefly consider the Original and Foundation of Government, and enquire whether there be any ground from Scripture for asserting a *Jure Divino* Monarchy.

Man in Innocency had no need of it.

There is no doubt if Man had continu'd in that innocent State which his Maker at first stat'd him in, there had been no Debates about the Power of Princes, nor Privileges of the People; Laws being not made for the Righteous, nor Government of use, but for preventing of Injuries, and redressing Wrongs, altho even in that pure Estate there had been a decent Order observ'd, as in the Angelical Nature. But Man having fallen from that primitive, pure and peaceable State, and corrupt Nature standing in need of Government, God Almighty, the Great Monarch and Sovereign of the Universe, who is not the Author of Confusion, but of Order, instituted and ordain'd Government for the encouraging of Virtue, and punishing of Vice: and Mankind finding their Laws uneasy, and it being impossible to prevent Violence and Injustice, after Families began to multiply without entering into Societies, it was therefore the common Interest of Mankind to enter into Contracts and Agreements, for freeing themselves from a State of Force. I intend no tedious Discourse on this Subject, and therefore I pass by the Patriarchal Government of the Fathers of Families, which for a short Season after the Creation and the Flood, might have kept some Order and Peace amongst Men; but after Families began to multiply, that Government, merely founded on natural Affection, could not long subsist. If we but give liberty to our Thoughts to consider the Justlings that arise from Interest or Ambition even betwixt dearest Relations, it is not then worth the pains to enquire how long this Paternal Power continu'd, nor will my present design allow me to search narrowly into the Original of Government; only by the by I shall, for clearing of this, a little lay down the following Positions.

The Necessity of particular Families entering into Society and Bodies Politick.

First, *There was an Absolute Necessity for particular Families, after they began to multiply, to enter into Societies, and to unite themselves into a Politick Body.* Without the acknowledging of this it is utterly impossible to conceive how Violence and Injustice could have been prevented; for while every Man was Judge of his own Right, there could be no redressing of mutual Wrongs and Injuries, no end of Violence and Strife. We have an early instance in Adam's Family of the Corruption of Human Nature, where we find God as Judge challenging Cain for murdering his Brother, and inflicting a Punishment upon him; which is an evidence how little the Paternal Power and Authority was regarded: and if we search more narrowly into the sacred Account of Government in the Infancy of the World, we shall find that before the Flood the Earth was fill'd with Violence, because, as it would

would appear, this Patriarchal Power did not punish Injuries, nor could reach Capital Offenders, they having no Power over other Mens Lives, without entring into a Society, wherein Men for securing their own Lives receded from their own Right, and condescended to Laws for punishing of Offences. And this leads me in the second place to consider,

That after Families had enter'd into Society, and agreed to unite amongst themselves, either for preventing mutual Injuries, or resisting a Force which would have ruin'd and destroy'd them in separate and disunited Families, there was a Necessity of some Government, without which the Society could not subsist; for as long as every Man is Judg, and may do what he pleases, what Peace can there be in a society? But as to the Species of publick Government, and how it was at first settled in every Nation, this behov'd intirely to depend upon those who enter'd into that Society; and therefore I lay down this third Position,

That Government could not be settled without Consent and Agreement. It is impossible to conceive how Societies could submit, either to one Man, or to a few of their Number, without their own Consent at first; or how one Man could take upon him to be a Ruler and Judg over the whole Society, without their Choice and Appointment, unless he kept that Power by a continual Force, which is contrary to the first Position. The Species of Government, whether by one or more, depended not first on the Choice and deliberate Advice of the Society. For tho I apprehend it was the Merit of the Person that first inclin'd the People to elect, and refer one before the rest, to go out with their Armies, and keep the Society in order, and that they did not annex the Government to a particular Family and Race of Men, till afterwards they were sensible of the Inconveniences of an Elective Monarchy; and the other kinds of Government had no Place, till Tyranny made Monarchy hateful: Yet still it is certain, that the People made their Kings, and that they were Elective or Hereditary, as the People thought convenient. For unless we say that Kings were immediately design'd and appointed by God Almighty to rule the People, and that the People knew their Commission, or that God created Prince and People in the Beginning, we must acknowledg that it is the Peoples Choice and Consent that makes a King: Nay, I shall make it afterwards evident, that without the Peoples Consent there is no King. But because there can be no Government without Laws, and that People who consulted the publick Good and their own Safety, would never have condescended to make choice of a Governor to rule at his Pleasure, it's certain in the fourth place,

That Government could not be settled without Contract and Agreement; and that those mutual Obligations of a King to protect, and People to obey, are necessarily included in the Nature of Government: for otherwise I desire to know for what end do the People give their Allegiance, if not to be protected from Violence. It is so repugnant to a Man's Reason to think that a whole Society of wise and thinking Men would freely give up themselves to be rul'd by one Man's Will, at as long as Men are Men, they cannot readily believe it; for suppose such Pacifists had not been exprest, they might be understood, unless we suppose Men enter'd into Society, and substituted Government, to make themselves ten times more miserable than they were. It is indeed strange that any Man should doubt of so far a Truth, without the supposition of which it is not possible to conceive how Government could have been establish'd, or continu'd. It is this mutual Contract that laid the Foundation of the Government, and gave first being to this civil Relation of King and Subject; for without this voluntary Consent and Contract there may be a Tyrant, but no Regal Government. Was there ever a Society of Men that submitted themselves to the King, whom they did voluntarily choose, on any other Design than to secure their Lives and Fortunes from the Violence and Injuries they fear'd before?

They have been oblig'd to insist a little upon this, because I had occasion frequently to make mention of this Original and Fundamental Contract betwixt King and People: So that we need not search our Records for finding it out, for the very Nature of Government implies the Necessity of it; and more particularly, if we reach into the Original of our Monarchy, we shall from those dark and obscure historical Accounts we have, find that Fergus, who was the first invested with the regal Dignity, was chosen and set up by the People; and after his Death they gave such an evident Instance of their Power, that finding the Inconveniency of immediate Lineal Succession, when a Child, they made a Law, That the next of Race, fittest to govern, should succeed to the Government only during his Life, and

then to return to the *Lineal Successor*. It were tedious to give an account of the Opposition our Kings met with from the People, when they began to tyrannize and oppress them; all which are sufficient Evidences that our Monarchy from its very Source was Limited and Legal, and not Absolute and Arbitrary, the Legislative Power being divided between the King and Representatives of the People: And both being bound to other by mutual Oaths, and the King being oblig'd to rule by Law, what greater Proofs can we desire for confirming this Original Contract?

It is then the Consent of the People that gave being to all kinds of lawful Government, without which Conquest could give no just Title; and even those Kings who in Scripture were chosen by God himself, were made Kings by Consent of the People. As for Absolute Monarchy, it can never subsist but by Force, can be approv'd by none but Court-Parasites and Flatterers, is contrary to the end of all Governments, in turning Subjects unto Slaves; and therefore being unlawful, may be justly oppos'd and rejected.

Whether
Kings hold
their Crown
immediate-
ly from
God alone.

I come now to consider the Argument of our Divines, who plead for a *Jure Divino* Monarchy, and that Kings hold their Crowns immediately from God Almighty alone, that their Power is therefore unlimited and absolute, and they are not accountable to the People; who are to obey and submit, and not to dispute his Commands, or in any Case to resist him. This Doctrine, in this last Age, has been so importunately obtruded upon People both from the Pulpit and Press, that the most part believ'd it to be a Truth, without ever examining it: Men who have suck'd in Principles with their Milk, will hardly be prevail'd upon to discard them. Prepossession and Prejudice are Giant-like Difficulties, and al most require a Miracle to overcome them; and if it were not that the present great and miraculous Revolution had contributed to dispel those Mists that blinded so many, and given Courage to the more Ingenious to assert and vindicate the Truth, we had been taught into Slavery, and needed no Statute to establish Absolute Power in the Prince, or Slavish Submission in the Subject. But, God be thank'd, that only Church in the World which preach'd up this Doctrine, has now begun to decry it, and pluck it down as fast as ever they built it up. Our first Reformers, and the generality of all Protestant and Popish Writers, were utterly unacquainted with this Doctrine, which can never relish well with Freeborn Subjects, nor have any other use than to encourage Kings to be Tyrants, and to render them odious, and their People miserable. And how sad and fatal Consequences necessarily attend Tyranny, and the visible Designs of Arbitrary Power, all Ages can attest. It is a wonder how Men, not fond of Slavery, should have maintain'd such Maxims so pernicious to Society; for if this Doctrine had always obtain'd, and proselyted all Men to its Belief, we had been a miserable Nation and Church long e'er this time, and had groan'd under that Tyranny and Oppression the French Nation lies under. At this rate the King needed no Army to ruin us; he alone, with a few rascally Slaves, might have rob'd us of our Lives and Fortunes. But since a Divine Right is pretended, it were to be wish'd the Promoters of this Doctrine would produce that Divine Grant, or tell us where we might find it; for that would put an end to the Controversy among good Men.

The Scrip-
tures teach
no such
Doctrine.

I have search'd the Scriptures for it, but can find no such Doctrine taught there: I indeed learn from thence, that God has appointed Government for encouraging Virtue and punishing Vice, but can see no Law or Command there, appointing Absolute Monarchy to be the only Government; for then all other kinds of Government would be unlawful, and it would be sinful to live in Germany, Poland, Holland, &c. Far less do we read that Persons invested with this Royal Dignity have the Crown intail'd on them, and their next immediate Heirs, by a Grant from Heaven, which cannot be revers'd. If God Almighty has immediately confer'd this Right on Kings, and settled the Sovereignty on them and their Family, let such a Grant, such an Institution and Command be produc'd; and whatever Inconveniences attend such a Government, we shall submit to it. But after all that has been said on this Subject, it is certain that the Right of a Prince over his Subjects is a political Question, which cannot be determin'd by the Law of God, but by the Fundamental Laws of each Constitution. And as all Nations have not conspir'd in the same Model and Species of Government, but every one establish'd that Form, which seem'd at first most suitable and useful; so every Nation must be measur'd by its own Constitution, whatever Scheme of Government some Men have fram'd in their own Fancy to the contrary. However then, the Law of God orders the giving to every Man his Due, and to render to *Cæsar* the things that are *Cæsar's*; yet this Due and Right is not determin'd in Scripture, but is to be measur'd

The Rights
of a Prince
over his
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the Law of
God.

rd by the Constitution of every Nation; for Civil Rights are confer'd by the strict Laws of every Society, without which all the Texts of Scripture could never prove that the Regal Authority is intail'd on one Person or Family, or that the Right of Government belongs to them, excluding all others.

We don't learn from Sacred Writ when Monarchy was instituted, only it is certain that *Israel*, God's own People and Inheritance, were a long time govern'd by Judges, before their Importunity led them to desire a King to judge them, and to put out before them, and fight their Battels. And *Israel* being the only Nation in the World, who had Kings of God's own Bestowing and Appointment, I shall a little consider this Particular of *Jure Divino* Monarchy, which never had place amongst that People, and lays no Obligation upon other Nations, unless that the immediate Revelation, appointing and nominating the Persons and Families vested, and having Right to the Regal Dignity, be made evident, there being peculiar Reasons for that Institution respecting the Messiah, in entailing the Crown on *David's* Posterity, which cannot be pretended to warrant the Lineal Succession to other Nations. But not to be further tedious, I pass on to consider the Historical Account the Scripture gives us of the Regal Authority in *Israel*, where their Kings were nam'd and appointed immediately by God; in doing of which I shall give notice of the following Particulars, which I apprehend will not be very agreeable with the Maxims of our Divines who plead for a *Jure Divino* Monarchy.

The State of the Monarchy of Israel considered.

1. We see it was the Importunity of the People that gave the first rise to Monarchy in *Israel*; for they finding *Samuel* old, and his Sons not walking in his ways, but perverting Judgment, they desir'd a King to judge them, and fight their Battels: and *Samuel* represents the manner of the King who should reign over them in the most terrible and affrighting Shape, yet nothing would prevail with them, they must have a King; and God hearkens to their Voice, and gives them a King. The Reason the People propounded in asking a King, is, that he may judge them; and the Reason God gives in bestowing upon them a King, is their Safety, 1 *Sam.* 9. 16. so that *Salus Populi est Suprema Lex*. Hence *David* is said to be chosen to feed his People.

The Importunity of the People gave the first Rise to it.

2. Those very Kings who were particularly chosen by God, obtain'd not the Kingdom without the Peoples Consent; this being indeed the Foundation of all useful Government. To begin with *Saul*, we find that after God had chosen him, and *Samuel* had anointed him, he is again chosen by Lot, and gets the Peoples approbation; and yet all this does not establish him on the Throne: some of them despise him in such a manner, that he is forc'd to retire home; and the first account we get of him is his coming out of the Field after the Herd: but after he had defeated the *Ammonites*, then at *Samuel's* Desire they went to *Gilgal*, to renew the Kingdom, and there they made him King. I shall pass over the account of *Saul's* Son made King by *Abner*, and consider *David*, whom God had anointed and chosen to be King over *Israel*; we find first that *Judab*, and then several years after *Israel*, came and anointed him King. And tho his Son *Solomon* was anointed King *Zadok*, and proclaim'd by the People, and chosen by God; yet that this hasty appointing may not be quarrel'd by the People, we find them at a Solemn Assembly making him King the second time. I might run thro the whole History of the Kings of *Judab* and *Israel*, and shew the Consent of the People to be necessary to making a King.

Those Kings chosen by God, obtain'd the Kingdom by the Peoples Consent.

3. Tho God Almighty immediately rais'd up and made choice both of the Persons and Families of the Kings of *Israel*, yet they were no absolute and unlimited Monarchs, but entred into Covenants and Contracts with the People. To begin with *Saul*, tho the People were importunate to have a King, yet they leave the choice to God, conform to that Command, *Deut.* 17. 15. and upon that account chose *Samuel*; who having brought *Saul* before them, and told them God had chosen him to be King, he was not so careless of the People, who had intrusted him with the Choice of their King, as not to provide for their Safety; it seems he entred into a Contract with *Saul*, and lays down Rules for that frightful Monarch. *Saul* had formerly represented and acquainted the People with the manner of the Kingdom, and to preserve this Record sure, he wrote it in a Book, and laid it up before the Lord; which seems to have a reference to what we find recorded concerning the Duty of a King, *Deut.* 17. 16, 17, &c. In the next place we find *David* making a Covenant with the Elders of *Israel* before the Lord (where the Original Contract was laid up) before ever they gave him the Government; which is an accountable Business, if notwithstanding the King lay under no Obligation to them,

Their Kings tho so rais'd by God, were not absolute and unlimited.

them, nor accepted of the Government upon Conditions: nay we have a notable Instance in *Hezekiah*, that they were not Absolute Monarchs, ruling by their own Will, nor claiming a Right to the whole Legislative Power; for 2 *Chron.* 29. 30. and 30. 2, 5, 6. we find the Princes join'd with the King in giving Command and establishing a Decree, and the Letters issu'd out in the Name of the King and Princes.

They forfeited their Right to the Government by not performing the Original Contract.

4. We find that those Kings who were immediately appointed by God, and had the Crown entail'd to their Posterity, forfeited their Right to the Government, by their not performing the Conditions of the Original Contract. Thus we see *Rehoboam*, refusing to ease *Israel* of that heavy Yoke they groan'd under, lost that Kingdom: *What Portion (say they) have we in David? neither have we Inheritance in the Son of Jesse.* They fairly capitulated with him, never (as it seems) dreaming of his Absolute Power and Divine Right: and it would appear, by his desiring three days to return them an Answer, he did not then upbraid them for their treasonable Words, in saying they would serve him upon Conditions; and tho' he forsook the old Mens Counsel, yet we find him not quarrelling them for it, tho' they express themselves in a very odd manner to an absolute Monarch, as is pretended: *If (say they) thou wilt be a Servant unto this People this Day, and wilt serve them, and answer them, &c.* What strange Language is this? might he not have told them they were too bold to speak at that rate for Subjects, to say they will not obey him as King if he yield not to their Desires? It is true, in following the young Mens Advice, he treats his complaining Subjects roughly, and they are never a whit behind with him, as I have already shown.

In the Families that God chose he tied not himself to the next immediate Successor.

5. Tho' *Saul*, *David* and *Jeroboam* were particularly chosen by God, yet we find not that God Almighty ty'd himself to a Family, or to the next immediate Successor: For tho' the Crown was entail'd to their Posterity, and they were all three Hereditary Monarchs, yet it was upon certain Conditions, which they failing to observe, forfeited the Right of being establish'd in the Kingdom. It was upon this account we find *Saul* rejected, who otherwise should have had his Posterity inheriting the Kingdom of *Israel* for ever, 1 *Sam.* 13. 13. The whole Tribes, except *Judah*, are rent from *Rehoboam*, altho' the Throne was establish'd on *David* and his Seed for ever. The like Promise we find made to *Jeroboam*; but he not performing the Conditions, his Family is cut off. We have an evident Instance of diverting the Succession in *Adonijah*, *David's* eldest Son; who, according to the Rules of Succession, should have been prefer'd to *Solomon*; and yet we find the Kingdom put by him, and given to *Solomon*.

The Crown was sometimes given to the Son while the Father was alive.

6. We find the Crown given to the Son while the Father is alive. *Solomon* is not only anointed King by *Zadok*, but is a second time made King by the People. How long he sat on the Throne before his Father's Death, is not certain; but we find *David* dispatching a great many Affairs after *Solomon's* first Anointing, by way of Advice: for it seems the Government was in his Son's Hand, and all *Israel* obey'd him, which would have been a puzzling Case to some Men, if they had been living then; but we find not the People of *Israel* raising any Scruples concerning their Submission to the Son while the Father was alive; nay we find them setting up and submitting to *Jotham* while his Father *Uzziah* liv'd, he being put from the Throne.

We have no Doubt that the Israelites understood the Doctrine of Non-resistance, &c.

7. We have no Grounds afforded us from Sacred History to believe, that the People of *Judah* and *Israel* understood well the Doctrine of Non-resistance and Passive-Obedience, otherwise we had not found *David* mention'd there to be at the Head of a powerful Army. It is true, we find it recorded that he would not (tho' it was in his power) stretch out his Hand against *Saul*: but that makes nothing against what I am saying, for it was not *David's* Design to kill *Saul*, but to keep *Saul* from killing him; and this it seems he design'd by Force to have prevented if he had been put to it, otherwise what needed he have kept up such an Army? We find likewise the People resisting *Saul's* Endeavours to have kill'd *Jonathan*, and rescuing him from his Father's Fury. And *Azariah*, with fourscore Priests who were valiant Men, design'd it seems to have stood to it, if they had been attack'd, opposing *Uzziah*, and thrusting him out of the Temple. And here by the by I cannot but take notice of a very remarkable Passage, that the Leprosy breaking out on *Uzziah*, he became unfit for Government, and his Son reign'd in his stead.

8. It is very observable, that tho' many of the Kings of *Israel* were Usurpers, and came to the Crown by murdering their Predecessors, and had no just Right nor Title to the Government, yet we find not the People nicely scanning their

Right,

light, nor quarrelling their Title, but peaceably submitting and acknowledging their Authority.

I might easily have enlarg'd upon every one of these Heads, and added a great many more: but I having already transgress'd that Brevity I design'd, and not doubting but these few Instances I have given will sufficiently answer the Design for which they were brought, I shall pass from the Historical part of Scripture, and search what other Passages may be found in Sacred Writ, to prove Monarchy to be of Divine Right.

In the Old Testament there is one Text very much urg'd, to prove that Kings Texts of Scripture to prove Monarchy to be of Divine Right, as Prov. 8. 15² consider'd. old their Crowns by a Divine Right, *Prov. 8. 15. By me Kings reign.* Now if this place proves any thing, it proveth too much, and more than what the Objectors will allow; for it extends to all Judges and Nobles, as the following Verse expressly holds out: And yet they apply it only to the King, or Supreme Magistrate.

ut, 2. it is as evident from the Context as any thing can be, that the wise Man there speaking of the Excellency and Power of Wisdom, and the Benefits and advantages of it, Religion being that which contributes to the establishing Kings on the Throne, for *the Throne is establish'd by Righteousness, but Wickedness is the Ruin of any People, and that which hurls Kings from their Thrones.* To confirm which, the History of the Kings of Judah and Israel affords us unquestionable Instances.

it, 3. let this Text be taken in its full extent, all that can be concluded from it That Kings are no Independent Beings, but that the most High ruleth amongst the Children of Men, and setteth up one, and pulleth down another; they are not exempted from an all-ruling Providence, but fall under the Divine Government as well as other Men: For as we are all his Off-spring, and hold our Being and the continuance thereof from him; so the most powerful and loftiest Monarch cannot do any thing without him, can neither subsist nor act, but by Assistance and Permission from him; *The King's Heart is in the Hand of the Lord.* As for God's secret Decrees, these are not our Rule, and fall not under our present Consideration:

I am not to debate God's Power and Dominion, but desire to see a clear proof of sufficient evidence, that Monarchy is the only Government appointed by God, and surely entail'd on particular Persons, and their Posterity, that the People have no hand in the choice of their King, who is absolute, and not accountable to them.

As for the New Testament, we find not Christ and his Apostles prescribing any particular Form of Civil Government, or erecting new Politics, or setting down Rules for altering the Laws of a State; but left Kings and Commonwealths to enjoy their own Laws, without augmenting the Magistrates Power, or diminishing the Subjects Liberty. We find indeed some Moral Duties belonging to both laid down, and very seriously recommended, but not the least intimation of Monarchy's being the only lawful Form of Civil Government, or of any general determination of the Rights of Kings and People; for since every Kingdom had its own particular Laws, and the Power of the Magistrate and Liberty of the Subject was enlarg'd, or hem'd in, according to the different Constitutions of Nations, there could no general Rule be laid down without overturning these Constitutions. The Gospel doth indeed secure every one in their Rights, and enjoins the giving unto *Cæsar* the things that are *Cæsar's*, and the rendering to every one his due, without defrauding any Man of what belongs to him; but what those Rights are that the Gospel meddles not with, but supposes these as determin'd by the Laws of the Realm, which if the Magistrate violates, and requires more from his people than what the Law allows, they are not oblig'd to obey, because he has no Right but what is given him by Law. And from it the People learn the measures of their Obedience.

But because the 13th of the *Romans* enjoining Obedience and Submission to the higher Powers, and forbidding Resistance, is so violently urg'd, I shall briefly consider it. And, 1. some, upon very good Grounds, think that the Apostle here by Peter understands it in the Abstract, that Magistracy or Government is of Divine Appointment; but in the Concrete, as it relates to the Person or Persons vested with this Power, it is of Humane Extract, and therefore call'd by the Apostle *Peter* the Ordinance of Man, which implies the Consent of the People to be necessary in bestowing of it upon one or more; as the Consent of the Persons who enter into a married State is that which determines the Bargain, tho it is certain the Marriage is as well an Ordinance of God as Magistracy, and it is evident the Greek Text warrants this Sense and Explanation. 2. As for Obedience and Submission, which is so much urg'd from this Text, let it be taken in the Concrete, I think

Our Saviour and his Apostles enjoin not Christians to scan the Right of the Powers in being.

think it will not reach our present Circumstances, further than to oblige us to submit to King *William*, who is the Power in being, and now in possession of the Crown. For we do not find our Saviour, or his Apostles, enjoining Christians to scan the Right and Title of the Powers then in being, but exhorting them to live quietly and peaceably under their Protection: and upon this account the Author of our Religion gave Tribute unto *Cæsar*, who could pretend no Legal Title. For *Julius Cæsar* having usurp'd on the Senate, his Successor *Augustus* being then the Power in being, continu'd the Usurpation; and the best Claim he cou'd have, was the forc'd Approbation of the State. It is well known that many of the *Roman* Emperors were set up by the Soldiers, and had no better Title, than the Army who made Choice of them, had any legal Power for what they did; and whether *Claudius* or *Nero* were the Power in being, when the Epistle to the *Romans* was writ, it matters not much; Christians then were commanded to submit to them, and not to quarrel their Title. But the State of Christians now is quite different from that of Primitive Christians, who had no Laws in their favour, and so could not legally resist the Powers in being. Our Constitution of Civil Government is likewise different from theirs, we are legally possess'd of our Rights, and therefore may legally defend them; we live not under Kings who rule by the Sword, but who are oblig'd to rule by Law. 3. The Design of those Texts that enjoin Obedience to Princes, seems to be particularly calculated for the Jews, who thought it unlawful to be brought under Subjection to any usurp'd Powers, as we find it reported of the *Galileans*, and of some weak and other licentious Christians, as the *Gnosticks*, who, under the pretence of Christian Liberty, thought it unlawful to be Servants to Men, or obey Magistrates. Now the Apostle corrects this Mistake of theirs, and shews them it is a Duty to obey Magistrates, and that it was a Folly in them to resist.

Why he rebuk'd Peter for drawing his Sword for his Master's Defence.

As for that Instance for Non-Resistance, brought from our Saviour's rebuking *Peter* in drawing his Sword for his Master's Defence, it is most impertinently alledg'd; for the High Priest had no Power nor Authority to apprehend our Saviour, it was an unlawful Attempt, and so might have been lawfully resisted: and our Saviour does not in the least insinuate that it was unlawful to resist, but there were very just Grounds for rebuking *Peter*. 1. His Rashness and Presumption in striking in his Master's Presence, without his Command; for while others were putting up the Question, *Lord, shall we smite with the Sword?* which shew'd their Readiness, *Peter* waits not the Word of Command, but strikes without Commission. 2. His Unbelief, in thinking Christ could not be rescu'd without his Assistance; for tho he had seen many Miracles wrought, and even at that instant an evident Demonstration of his Power, in dashing them to the Ground by a Word, yet this had no Influence upon him, he did not act Faith on the Assistance of Heaven; and therefore our Saviour checks him, *Thinkest thou that I cannot now pray to my Father, and he shall presently give me more than twelve Legions of Angels?* 3. His drawing his Sword was unseasonable, and contrary to his Master's Design, of which he so frequently told him, *Put up thy Sword into the Sheath, the Cup that my Father gives me, shall I not drink it?* John 18. 11. He had foretold his Disciples of his Sufferings, and rebuk'd *Peter* for dissuading him; and now the Hour being come, if our Saviour had resisted, how could the Scripture be fulfil'd? But if Resistance had been in all Cases unlawful, how came our great Master to desire his Disciples to buy Swords? Did he thereby only typify the suffering Condition they were to meet with?

But lest I be mistaken, while I am speaking of the Power of Princes, and of the Doctrine of Non-resistance and Passive-Obedience, tho I apprehend I have us'd the utmost Caution in expressing my self upon both these Heads; I shall yet more distinctly add, that I hate the Thoughts of entertaining any thing prejudicial to the just and lawful Power of my Prince, and judg it a pernicious Principle for every private Capacity to quarrel his Authority, or speak evil of Dignities. I know very well it is impossible for the best of Kings to please some ill-natur'd Subjects, who, like wild Beasts, are impatient of any Tie, and can hardly be brought to submit to the Yoke of Government; but upon the least impairing of their private and selfish Interest, turn impatient and unruly. I look upon such Men to be unfit to live in a Society, and judg it far better that a few of those violent and malignant Heads be cut off, than that the whole Nation should be expos'd to Confusion and Blood. I think it then unlawful to disobey, or resist the Magistrate in the use of that Authority he is justly possess'd of. Nay, suppose he should wrong me in my private Interest, tho I cannot say I would be contented, yet I should certainly submit,

omit, and not thereby disturb the Publick Peace of the Nation. I think a King may be a very bad Man, but he is not accountable to Men, but to Almighty God for his wicked Life and Conversation. I think, moreover, a King may commit many Faults in the Government, may do many unjust and unlawful things, may be guilty of many Breaches of the Law; the Publick Affairs of the Kingdom may suffer by his Male-Administration, Justice may be violated, and several Enormities committed; and yet the People in these sad Cases must rather suffer than oppose their Prince. But when a King will be reclaim'd by no Intreaties, but proceed to the overturning of the Laws, and the Fundamental Constitution of the Government, and instead of a King, whose Power is measur'd by the Law, turns Tyrant and rules by his Pleasure; if in this Case he may not be resisted, I know not what a King may not do. I do not say that the Subject is oblig'd in Conscience to obey any unlawful Command, but yet the Publick Good must measure his Obedience; but when that is destroy'd by an Arbitrary Power, Resistance, the last remedy, must be us'd. But it is enough to vindicate me from any Misconstruction, that I am not now vindicating the Actions of a Rabble, or of a few discontented Subjects flying in the Face of Authority, but of the Representatives of our Nation, who upon just Grounds, after mature Deliberation, have declar'd the late King to have forfeited his Right to the Crown.

Having thus sufficiently answer'd all the Objections that can be urg'd against the Reasons made use of by the States for declaring the Throne Vacant, and most of them being Matters of Fact which cannot be disprov'd; I shall now very briefly consider the Resolution of the Estates in declaring the late King James to have forfeited the Right to the Crown, and the Throne to be Vacant.

Some Men cannot endure to hear of an Hereditary Monarch's forfeiting his Right; these Men are offended without telling us their Reasons, which is indeed impossible for them to produce: for if our Kings are oblig'd to rule according to Law, and have only so much Power as the Law gives them, if it was the Peoples Choice that prefer'd them before others, and so entail'd the Crown upon their Issue, upon certain Terms and Conditions; then certainly if they break these Conditions, and instead of a Legal Government they usurp an absolute and Tyrannical Power, it is a clear and self-evident Consequence, that they forfeit their Right to the Crown. I have already made it evident, that the very Nature and End of Government suppose an Original Contract, and that there was never a Government instituted without the Peoples Consent; that our Kings are limited to legal Monarchs, and are engag'd to rule according to Laws. If then it be again (as by sad experience we know it was) that the late King assum'd the Government contrary to Law, and invaded the Fundamental Constitution, invert all the Ends of Government by manifest Violations and insufferable Incroachments; there remains not the least doubt of his forfeiting the Right of the Crown. This is so palpable a Truth, that none but Men who have sacrific'd their Arguments to Court-Flattery ever disputed.

How an Hereditary Monarch may forfeit his Right.

It is to make this more evident (for I desire to clear all Difficulties as far as the Liberty I have design'd will allow) I shall briefly enquire into this pretended Hereditary Right, and the true State and Constitution of our Government. First, it is certain, that our Monarchs are Hereditary, not by virtue of their Birth, but by reason of the Constitution. Fergus the First was not born a King, but King by the People; and if they had not sent for him, and made him King, he and his Posterity could have laid no better claim to it than others. And they have establish'd any other sort of Government as well as Monarchy, if they had not judg'd this the best for their Safety and Preservation. It is then the Constitution, that the Crown was settled on Fergus and his Posterity; for they might have settled the Crown upon himself only during his Life, without obliging it to his Successors by Line: so that it is only by virtue of the Constitution, that either Fergus was chosen King, or his Posterity continu'd on the Throne.

How the Crown of Scotland is Hereditary.

Upon what Terms and Conditions our first King receiv'd the Crown, is not altogether so clear as could be wish'd; for our Records being destroy'd, and our Historians giving us but a brief Transcript and Account of what pass'd in the beginning of our Monarchy (which for its Antiquity finds few natural Competitors) I hope impartial Men will be content with this short Narration, which I

have

have taken from our best Historians, and tho without Citation, I will warrant up-
on my Credit.

An Histori- cal Account of the first Contract with their Kings. All our Historians tell us, that *Fergus* being in *Ireland*, the Scots sent for him and made him King, and confirm'd the Kingdom to him and his Posterity : and tho there be no mention made in History of any Contract betwixt him and the People, yet the very nature of the thing implies, that People acting rationally, and with- out Constraint, would not bestow the Crown upon their King without Conditions, or put themselves in a worse State than they were in formerly. And tho our Hi- storians mention not any Contract, yet the Account we have of the Peoples Be- haviour afterwards, shews there was such a Pactiō and Agreement ; and that it was the Publick Good, and their own Safety, they design'd in setting up a King : for immediately upon *Fergus's* Death, they made choice of his Brother *Fertharis* to be King, and pass'd by his two Sons, as being young and unfit to govern ; and when the eldest afterwards challeng'd the Kingdom, as his by Right, they little regarded his Plea, and enacted a Law, *That the immediate Heir of the Crown, being by his Infancy incapable to govern, the next who was fit and able to discharge the Place should be chosen King.* And this Law continu'd till *Kenerh* the Third prevail'd with the Parliament to change it, and yet his Son was put by the Crown, by virtue of this former Law ; all which is a convincing Proof, that the People still retain'd Power to change the Successor for the Advantage of the Publick. And tho our Historians make no mention of Contracts then, yet this Law is an unquestionable Evidence, that our Kings accepted of the Crown upon Conditions. And in the Reign of *Finnan* the 10th King, it was appointed, *That the Kings, in times coming, should do nothing of any moment without the Consent of the Parliament ; that they should neither make Peace nor War, nor enter into any Leagues without their Authority.* This is such a Limitation of the King's Power, that it leaves him little more than the Ti- tle of a King ; yet his Successor did swear to it, and *Mogaldus* the 23d King is commended, that according to antient Custom, he did all by Advice of the Par- liament : and his Successor, for not observing this antient Custom, was imprison'd. But not to be tedious, we find several of our Kings swearing to be rul'd by the Coun- sel of a Parliament, to maintain the Interest of the Kingdom, and defend their Reli- gion. And when they were not fit to govern, they were laid aside ; when they be- gan to tyrannize, and overturn the Fundamental Constitution, we find some of them censur'd, and upon promise of amendment continu'd on the Throne, others that were obstinate put from the Government : which abundantly clears that our Kings were no absolute Monarchs, but under Limitations, and Legal Restraints ; and every body knows that our Kings of late were oblig'd to swear to defend our Religion and Liberties, and to rule according to Law. If then a King assuming the Go- vernment contrary to Law, violates the Fundamental Constitution of the King- dom, in that case, *ipso facto*, he forfeits his Right of the Crown.

Obj. There is no Law, that if a King tyrannizes, &c. he should forfeit his Right, an- swer'd.

You'll say, *There is no such Clause in any of our Laws, if a King tyrannizes, and acts contrary to Law, that he forfeits his Right of the Crown.*

Ans. There is no need for inserting so odious a Clause, either in our Laws, or in the Oath taken by the King, it is enough that they are oblig'd to rule ac- cording to Law ; and if a King forfeits not his Right when he breaks his Oath and destroys the Laws, what empty Things are Laws and Oaths ? Do they lay no tie upon the King ? Why then were they invented ? And if they lay any Obligation upon the Prince, it is certainly for the Security of the Subject : But if the Subject be never a whit the securer, Laws and Oaths may be laid aside. There is then a mutual Obligation between King and People : and tho it be not exprest, if he break the Condition of the Contract, the Subject is freed of his Obligation ; yet it is as certainly suppos'd, as Divorce in case of Adultery is in the Matrimonial Con- tract ; for it is a plain Contradiction to say, a Contract can subsist when the Condi- tions are broken and violated.

Whether a- ny Expedi- ents would have secur'd the Laws, and oblig'd the King.

But some Men fancy, That Expedients might have been found out for tying up the King, whereby our Laws and Liberties had been secur'd, without putting him from the Throne.

Ans. There was indeed a Possibility in the Case, but not the least Probability ; and wise Men must not make Maybe's their Rule. It is well known that the late King was not ignorant of the Complaints of his People ; and if he had resolv'd to redress their Grievances, it was certainly the fittest time for him to have declar'd he would have rul'd by Law, and refer all things to the Decision of a free Parlia- ment

ant in both the Nations, before he retir'd from *England*. If he had taken these Measures, he had satisfy'd both the Prince of *Orange's* Declaration, and the Desires of the People; and had been yet sitting upon the Throne: But his hasty deserting us, without ever making any Proposals, was a Demonstration that he resolv'd to come under Ties, or to change those Measures he had laid down: And his latter read in the Meeting of the Estates, is a sufficient Confirmation of his fix'd Solutions, to rule without Limitations; for he proposes no Expedients but his Promise. And what Trust might be repos'd in that, we may pretty well guess what we have formerly seen. Suppose then King *James* had been again set upon the Throne, shackled with all the Ties and Chains Men could contrive, would the Kingdom have been a whit more secure than formerly? How easily could he have made a Party for himself, and soon have shak'd off those Fetters put upon him by force, either by securing to his Interest a strong Party at home, or by going over the French to his Assistance? And have we not sufficient ground to think that those Men amongst us, who plead for a *Jure Divino* Monarchy, would soon preach'd down a Limited one as a Repugnancy in it self? But Men may talk at what rate they please; yet no Man that seriously considers the Case, can see how our Religion, Liberties, and the Protestant Interest in *Europe* could have the least Prospect of being secur'd, if King *James* with all these imaginary Suckles had been call'd back; to speak nothing of his Religion which makes him incapable of our Government, and renders his Promises justly suspicious. Besides, if the Estates of our Kingdom had recall'd King *James*, after *England* had set the Crown upon King *William* and Queen *Mary*, we had expos'd our selves to inevitable Miseries, and unpitied Calamities, without the least hope of a desirable Relief.

But tho some Men are satisfy'd that King *James* could not in reason be call'd back, yet they cannot endure that the Child should have been pass'd by, and excluded as Supposititious, without ever bringing that Affair to a trial: for it is not enough that it has been story'd throughout the Kingdom, that he is an impostur'd Son; but if after a fair Trial he had been found to be a Cheat, the Estates had sufficiently vindicated themselves, in leaving him with his pretended Father, otherwise they should have sent for him, and seen to his Education; and if the Parents had refused, the Estates had been Free.

Why the Convention pass'd by the suppos'd Son of K. James.

Ans^r. This Affair did more properly belong to the Convention and Parliament of *England* to canvass, than to the Meeting of the Estates in *Scotland*; for the pretended Birth being in *England*, and that Nation being as much concern'd as ours to enquire into that Affair, whatever they did in this, behov'd to be a lead in the Case to us. Now it being certain that the whole Nation, upon good Grounds, doubted of the Queen's being with Child, had it not been reasonable to have given some Satisfaction, and to have remov'd these Doubts? The Parents could not but know there was a necessity of giving unquestionable Proofs of this, the report of the Queen's Bigness being so much suspected; so that all reasonable Men must from thence conclude, that it was the most unaccountable, and most unreasonable Contrivance imaginable, to refuse a convincing Proof, which might have been so easily given if the Queen had been with Child as was given out. The pretended Labour was also answerable to the Contrivance, and carry'd on so in the manner, that an impartial and unbiased Observer could not but see a wilful Design, in refusing to give sufficient Proof in a business of so great Concernment. And this must be one Reason why the Parliament never meddled with that Affair; for the wilful neglect of the Parents render'd the Child's Title so obscure, they could not have given him a new Title, but could not make his pretended one a whit clearer: and the Objections and Suppositions being prior to the pretended Birth, should have been remov'd by the Parents; otherwise it was impossible to remove those violent Suspicions the People entertain'd. The pretended Prince was then on his side by the Parents refusing to make his Birth open and evident; and the Parents had no Reason to prove the Cheat, for some Crimes are so black and foul, that being committed with the utmost Caution and Secrecy, they admit of no Levee or Probation; in such Cases just Grounds of Suspicion must have place. But this being quite out of doors, I forbear to meddle more with it: only I must, as far as it concerns the Vindication of the present Proceedings, add, that the violent Presumptions there were of the pretended Birth, his being a Papist, made him incapable to succeed by any Law; and their carrying him into a Foreign Land, gave all Men ground to suspect his Education.

It more belong'd to England to canvass his Legitimacy.

Whether the
Estates in
declaring
the Throne
Vacant, o-
verthrew
not the Law
of Succes-
sion.

But because in Hereditary Monarchies it is a receiv'd Maxim, *That the King dies not*; it seems to be a Case of great moment, Whether the Estates, in declaring the Throne to be vacant, overthrew the Law of Succession.

In answer to this, I shall first in the general say, That the Vacancy of the Throne is not inconsistent with the Notion of Succession: For it is obvious, that many Cases may happen of the Throne's being vacant, and yet no Prejudice done to the Succession: But here the Laws of Succession must be measur'd by the Municipal Laws of every Kingdom. In *France* the Salique Law excludes Females from the Succession: With us, since the Reign of *Kenneth* the Third, the Succession has been entail'd on the next of the Line, failing Heirs Male of Body. So that while we are speaking of the Law of Succession, we must understand the Succession as it is settled by our own Laws. Now it is certain that it was an ancient Custom, which continued about a Thousand Years, of putting by the next Heir if a Child, and chusing the fittest of the Race for Government; and yet this was not thought to prejudice the Succession, nor could it be done without a Vacancy: But our History affords us a too memorable Passage to confirm this, That the Vacancy of the Throne does not overthrow the Laws of Succession; for it is certain that after the Death of *Alexander* the Third, the Throne was for a long time vacant, occasion'd by the Debates concerning the nearest in the Line, whether it belong'd to *Baliol* or *Bruce*; and tho there was a Competition for the Succession, and hot Disputes about the Person, yet it was still in regard to keep up the Lineal Succession. But further, according to the Law of our Kingdom, our Kings are not to assume the Government without taking the Coronation-Oath: Now this cannot be instantly done upon the Death of the Predecessor, which necessarily infers a Vacancy of the Throne. And it's impossible to conceive the Death of the King without a Vacancy.

Male-Ad-
ministra-
tion of a
King can-
not exclude
his Heirs.

But now more particularly: Some think the Male-Administration of a King cannot prejudg the Right of Heirs; and that a King who forfeits his Kingdom, does only forfeit it for himself, and not for his Posterity: So that the Government is not devolv'd on the People, that they may either alter the Constitution, and set up Aristocracy instead of Monarchy, or make choice of what Persons they think fit to sit on the Throne; and so in place of an Hereditary, to set up an Elective Monarchy; for this were to destroy the Fundamental Laws of our Kingdom, which the Meeting of the Estates are so careful to preserve: For it cannot be suppos'd, that upon declaring the Throne Vacant, all former Laws are *ipso facto* null. Now if our Laws be in force, the Succession cannot be wrong'd, nor our Monarchy devolve, while there are natural Heirs politically capacitated: For it was never the design of our Laws, nor the Practice of our Kingdom, to put by such Heirs on the account of the Male-Administration of the Predecessor; and it is inconsistent with the Law of Equity and Justice, to punish the Child for the Parents Fault. For however in Subjects the Children possess not the Estates of their Forfeited Parents, except they have a Legal Right to them prior to the Forfeiture; yet this Fatality reacheth not the Children of Kings, who succeed *Jure Constitutionis*; so that the very Nature and Design of an Hereditary Monarchy would be destroy'd if this were admitted, and render it as precarious as if it were Elective. For however at the first Constitution People might have condescended on what Conditions they pleas'd in settling the Succession; yet after the fixing of the Constitution, both King and People are ty'd by Oaths and Laws not to alter it: And if King *William* (when Prince of *Orange*) was so much concern'd to vindicate the Princess's Right, upon the Report of the violent Suspicions of the suspected Infant; what might he not have done in Justice, if our Estates had put the Crown by her? To conclude, Unless there be the same just Grounds and Reasons for forfeiting the Heir there was for forfeiting the Predecessor, neither Law nor Equity will allow it.

Whether
the Right
being for-
feited by
one, the
Power de-
volves on
the People.

Others think, The Security of the Kingdom, and Safety of the People are concern'd, that Children succeed not to their forfeited Parents (but this is a very dangerous Plea) and that the Right being broken, the settling of it again is devolv'd on the People, and they may mould it according to their pleasure, and either prefer Persons, or limit the Succession. So that if ever there was an Opportunity for the People to vindicate their Rights and Privileges, this was the time.

I am not very willing to be positive in resolving a Case involv'd with so many Intricacies and Difficulties; only I think a Man's Moderation will not be condemn'd, in saying, That since King *James* had forfeited the Right of the Crown, and

and the Child not being politically capacitated, the Right of Succession did belong to the present Queen of *England*; and the Crown could not have been put in her in Justice and Equity, tho it was in the Power of the Estates to regulate the Succession, with a just Care and Regard to the Interest of those concern'd in it, and to limit it for the good of the Nation, to Heirs rightly qualify'd: All which apprehend exactly quadrate with the Resolution of the Estates in the present settling of the Crown, which comes next to be consider'd.

The Throne then being declar'd Vacant, necessarily imply'd it was to be fill'd; and the Estates having exactly follow'd the Example of *England*, it will not be, I suppose, expected I should enlarge here: for whatever has been written for vindicating the Convention and Parliament of *England* upon this Head, does equally vindicate the Resolution of the Estates of *Scotland*: I shall therefore only briefly consider the two following Prejudices some Men entertain against the present Settlement of the Crown.

1. Some are offended, *That King William should be plac'd in the Throne with Queen Mary.*

2. Others are angry, *That Princess Ann should be postpon'd.*

Now there is not the least ground for any reasonable Man to quarrel at either of these: For if all Persons concern'd be content with the Resolution of the Estates; if Queen *Mary*, Princess *Ann*, and the Prince, be fully satisfy'd with the present settling of the Crown, I know not why any private Person should be dissatisfy'd: For where there is no Injury done, no body ought to complain; and where there is a voluntary Consent, there the Persons suffer no Wrong. For suppose there be some little Incroachment made upon the Succession, yet since that is not done either without the Consent, or to the Prejudice of those concern'd, but highly advantageous to their Interest, and to the Peace and Safety of the Nation, we have all the Reason in the World to submit to the Determination of the Estates, who have been very careful to intrench, as little as the present Circumstances would allow, on the Right of Succession. Besides, no body can doubt but it was in the Power of the present States to regulate the Succession, and it is certain they never intended to destroy it; and then the Right of Regal Authority antecedently to their Declaration belong to *Q. Mary*: yet there is no Article of Constitution that contradicts the present Resolution of settling the Regal Authority upon King *William* and Queen *Mary* jointly; for it is incontestable, that a Queen in Possession superinducing a Husband, may with her own Consent and Alliance of the Parliament, vest her Husband with an equal share of the Regal Authority during her Life; much more may this be done, when the nearest Male Heir the Crown is already Husband to the Heir before put in Possession. And tho it is determin'd that the Matrimonial Crown belongs to King *William* after the Death of Queen *Mary*, yet since his Heirs by another Wife are postpon'd to the Heirs of Princess *Ann*, this seems to give him no more than what the Courtesy of *Scotland* gives to every private Man who marries an Heir, if a Child be born, altho it do not survive. Besides, it is certain the Heir of a Crown may voluntarily quit the Government, and yield the Right to the next Heir; for no body can force the Heir of the Crown to accept of the Government. If then the Prince has willingly condescended that King *William* enjoy the Crown during his Life time, and the Estates have accordingly settled the Government, it is insufferable to raise Scruples for disturbing the Publick Peace, which are merely supported by Prejudice. I shall speak nothing here of King *William's* Merit, who deserves ten times more of the Nation, if they had had more to bestow; nor shall I enlarge against those who would set up the suspected Child, tho that had subverted the Succession to a Miracle, and postpon'd Princess *Ann's* Right without a Remedy. I shall only desire Men of common Sense to judge, whether our States, finding the Resolution of the Convention of *England* so reasonable and advantageous, had not prudently, if they had not follow'd their Example; for certainly if they had not done so, they behov'd at every new Election of a King to have broke with the Kingdom, and what had been the fatal Consequences of that, it is easy to conceive.

The Estates having thus resolv'd on the settling of the Crown, the next step of the Proceedings is their issuing out a Proclamation relative to the Instrument of Government or Claim of Right, declaring *William* and *Mary* King and Queen of *England*, to be King and Queen of *Scotland*. Some Men make this a matter of State and Laughter, and look upon it as a pretty odd and unaccountable Mystery, of Right.

*The Estates
issued a
Proclamation
relative to
the Claim
of Right.*

first to proclaim a King and Queen, and then to make offer of the Crowns upon certain Terms and Conditions, which they knew not whether they would assent to; and till their Acceptance, the Government was to continue in the Power of the Estates. But all those Out-cries and furious Storms the Enemies of our Peace raise, may be soon silenc'd and calm'd by a sober and unprejudic'd Mind: for the Circumstances of the Kingdom would not allow the delaying of the Proclamation, and in times of imminent danger none but Fools will stand upon Formalities. If King William and Queen Mary had been in the Kingdom, there had been another Method observ'd; but their Distance, and the present Circumstances and Condition of the Nation, will sufficiently vindicate the Resolution of the Estates to all unbiass'd Minds.

Again, we are told, *That the Estates shew little Kindness to King William and Queen Mary, and repose no great Confidence on them, to offer them the Crown with a Claim of Right, and redressing Grievances; for by this means they are so ty'd up and shackl'd, and have the Prerogative so impair'd and cut off, that the Subject has a Jus against them if they transgress.*

Ans^r. This is a malicious and groundless Insinuation, there being nothing in the Claim of Right that in the least clips the King's due Prerogative, except Arbitrary Power be pretended to belong to the Prerogative, which is the only thing the Claim of Right guards against, in securing the Subject from those Invasions that were made on our Privileges and Liberties during the former Reigns, by an assum'd Absolute Power. I doubt not but the Estates could have generously bestow'd the Crown on King William without any Limitation or Condition; but the present Settlement having a farther Prospect, and they not knowing what might be the Disposition of those who may succeed, they had all the reason in the World to see to the Security of their Posterity, as well as to their own. Besides, they have done nothing contrary to the end and design of King William's Declaration (when Prince of Orange) which was to provide a Remedy against the Inroachments made on the Liberties and Privileges of the People, and to redress those Grievances they groan'd under: and if Men call this a curtailing of the Prerogative, I confess I understand not what they mean by such a Word. I have always thought that a good King, who ruling by Law has the Hearts of his Subjects intirely united to him, is a more absolutely happy Prince than the most Arbitrary Monarch in the World. But is the Prerogative of the King and Right of the Subject so inconsistent, that the one cannot be secur'd without the other suffer? It seems Men who raise such a Scruple, have either a design against the Peace of the Government, or understand not well what they say.

The last thing I shall take notice of in the Proceedings of the Estates, is the Proclamation against the owning of the late King James, and commanding publick Prayers to be made for King William and Queen Mary. Now any body in reason would think, since the Estates, who were the only proper Judges, had declar'd the late King had forfeited his Right, and laid down the Grounds and Reasons thereof, and had afterwards declar'd King William and Queen Mary of England, King and Queen of Scotland, that all the Subjects of the Kingdom were oblig'd to stand to their Determination. Yet some Men pretending Confidence, refuse to transfer their Duty to the establish'd Government, thinking themselves oblig'd by their former Oaths to the late King. I shall therefore briefly consider the Case, whether our Allegiance be due to the late King, or to the present Powers, under whose Protection we live, who are establish'd in the Government: Whatever difficulty some Men may see in resolving the Doubt, I confess I cannot discover it; for it seems to be a plain case, that if King James has forfeited his Right to the Crown, he ceases to be our King, and is clearly divested of his Sovereignty, and consequently our Allegiance is void and null: For it is incontestable, that Allegiance is extinguisht and dead, if the Sovereignty be destroy'd; it is not to the Person absolutely, but to the Person invested with the Government that Allegiance is due. For as no Allegiance was due to the Person before he was King, so none is due to the Person after he is so. Allegiance is a relative Duty; if therefore the Relation be dissolv'd, the Allegiance is extinguisht. This is like Divorce in case of Adultery, which destroys the Matrimonial Contract and Relation: but if King James be still King, if he has not forfeited his Right, but retains the Sovereignty, we owe him alone our Allegiance. So that the Case is plain, that it is not Conscience we have to deal with, but a prejudicate Opinion, opposite to the Authority of the Nation: for it were an easy matter to satisfy their Conscience, if they could be brought

The Scotch
Claim of
Right does
not diminish
the King's
Prerogative
at all.

The Estates
issu'd a Pro-
clamation
against
owning the
late King
and ordering
Prayers for
K. W. and
Q. M.

Whether a
ny Allegi-
ance is due
to K. J.

ought to acknowledg that King *James* had forfeited his Right; for it is not because they have sworn Allegiance to King *James* that they refuse to pray for King *William* and Queen *Mary*, but because they own him still to be their King, and therefore can give their Allegiance to no other while he lives. For think none of them would pretend the Obligation of their Oaths, if their Prince became furious, or so foolish that he became unfit to govern, and the Government was transfer'd on another by the publick Authority of the Nation; or if he publicly resign'd the Government, and voluntarily took himself to a private Life. All these are Cases which have occur'd, and I know no body who ever thought that the Subjects Allegiance in these Cases was not void and null by reason of their resigning and quitting the Sovereignty: so that it is evident, that Oaths oblige no longer than the Person is vested with the Sovereignty. Besides, there is an obvious Case which would puzzle these Gentlemen to resolve; whether the Naturalizing of Foreigners, who had sworn Allegiance to their own Prince, inferreth Perjury? Certainly if Allegiance were absolutely due to the Person, there could be no dispensing with the Oath, and yet here is a Translation of Allegiance ordinarily practis'd, without being condemn'd by Lawyers or Casuists, because no Man is oblig'd to live in one place; and if he cannot find Protection or Subsistence under his Prince, he may leave that Society and join with another. Now he owes Allegiance no longer than he is a Member of the Society, and if he cease to be a Subject his Oath ceases to oblige him: for the Oath is on the account of a prior Obligation, and the Subject owes Allegiance to his Prince by virtue of the Constitution whether he fears or not; so that if Allegiance ceases, the Oath is likewise extinguish'd. Besides, it is certain that both the Oaths of Supremacy and Allegiance were intended, only to prevent the Usurpations and Pretensions of the Pope and Court of *Rome*, and give no new Power nor Authority to the Prince, nor made any new degree of Allegiance, but was a Bar to the Pope, who pretended a Supremacy over Ecclesiastick Persons and in Ecclesiastical Causes, and a Power of excommunicating and deposing Kings, and of releasing Subjects from their Allegiance. Now it is incredible that our Superiors, who impos'd these Oaths, intended that we should be thereby oblig'd to protect a King who is destroying the Constitution, and overturning our Religion and Liberties, and introducing Popery: Upon the account of this, and keeping it out these Oaths were first fram'd.

We have already shew'd that our Kings are Kings by Contract; that their Power is limited and conditional; that a King may cease to be King, and forfeit his Right of Government. Now if King *James* has broken the Contract, and not performed the Conditions thereof, the Contract is void, and Subjects are *ipso facto* releas'd from their Allegiance; for we owe no farther Allegiance to the Person, than as he is King and acts by Law: and I think it was never the Intention of our Legislators, nor of those who swore Allegiance to the late King, that their Oaths should bind them to protect him in destroying the Legal Constitution, their Religion, Liberties and Lives. It is the Opinion of all Casuists, that reciprocal Ties and Oaths, and mutual Stipulations are quite cass'd and dissolv'd, if one of the Parties fail in the Performance. Now it is evident that a King without Oaths is oblig'd to protect, and the Subject is oblig'd to obey; nay more, our Kings are oblig'd by Law, to swear to defend and rule us by Law, upon which account we swear Allegiance. Now if the King instead of ruling by Law destroys the Law, we are set free from our Allegiance, which can support no Man to be a Tyrant, otherwise the Oath would be *vinculum iniquitatis*.

How far
Allegiance
is due to a
King, &c.

We might here adduce the several Cases propos'd by Casuists, wherein a Promissory Oath may cease to oblige: As if the State of Affairs change, or the Quality of the mischief cease, or a greater Good be hindred, &c. All which we might urge to purpose, if the present Case requir'd the clearing of Doubts which might perplex a scrupulous Conscience: But alas we have not to do with the Conscience, but with perverse Dispositions and Inclinations, with Men who perhaps have no great Kindness for King *James*, nor are such strict Regarders of Oaths, but who hate the present Establishment, because they can expect no Advancement from so mild a Government. If this were not the present Case, I should further be at some pains to tell them, that *Salus populi est Suprema lex*, that neither Laws nor Oaths against the publick Good bind the Conscience: For this being the great end of Government, it is antecedent to all Law, and whatever destroys that, is null and cannot oblige; it being a receiv'd Maxim, *Prior obligatio præjudicat posteriori*. Now I shall leave it to every sober Mind, not assled by Prejudice, to judg whether we owe Allegiance to the late King,

who

who was beginning to destroy our Laws, Religion and Liberties, and ruining the End of Government, which is prior to Allegiance, and which no Civil Constitution can annul.

Why the
Clergy
ought to
pray for K.
William.

But suppose King *William* were King only *de facto*, and not *de jure*, yet I feel not upon what account our Clergy refuse to pray for him: There is no Text in Sacred Writ that does warrant their refusal: Our Saviour (as I said) gave Tribute to *Cæsar*; and the Apostles, St. *Paul* and St. *Peter*, order'd Subjection to the Powers in being, and Prayers and Supplications to be made for them; and yet the Powers then in being were mere Usurpers, and had no just Title. Now since the great Meeting of the Nation hath invested King *William* with the Royal Dignity, he is not only *de facto* but *de jure* our King; and if we render him not our Allegiance, we are liable to Punishment. Nay, I'll moreover suppose King *William* hath obtain'd the Crown by Conquest (which can never give a just Title, without the People's Consent) yet Subjects might with a good Conscience submit to him, and obey his Commands; *modo non sit factu turpe aut injustum*, as Bishop *Sanderfon*, in his 5th Pre-lecture, resolves the Case at some length, and more particularly in his little Treatise concerning that Engagement in *Cromwell's* time, of promising to be true and faithful to the Commonwealth.

But I must here put a stop to any further reasoning on this Head, there being already enough written to satisfy scrupulous Consciences; and all the Reasons that can be urg'd, will never satisfy a discontented Spirit: For Men who will not pray for King or Queen set on the Throne by the general Consent of the People, and the publick Authority of the Nation, only wait a fit Opportunity to say, we will not have them to reign over us. The Case is plain and obvious, that Men who refuse to pray for a King, will oppose the establish'd Constitution, and rise in the Face of Authority, as soon as ever probable Circumstances occur for encouraging them to such an Attempt. I remember, when under the late Reigns some ignorant People refus'd to acknowledg the late King's Authority, or to say, *God bless him*; those poor Creatures suffer'd, who otherwise might have sav'd their Lives: I wish those who took Pleasure, and insulted over these weak Creatures, may now read the Sin in their Punishment, and from thence learn not to despise Dominion.

Alas! Is it so hard and intricate a Case, whether we should pray for King *William*, who has been under God the chief Instrument of our Safety, who has secured our Religion and Liberties, which were so near to Destruction; or for King *James*, who was overturning our Laws, Religion and Liberties? If we refuse to accept of the Deliverance God has sent us; for all we had to do, was to stand still, and see the Salvation of God: If, I say, we will not hearken to the Calls of Providence, and submit to the present Establishment, which has been wonderfully carry'd on (more of the Counsel of Heaven than of humane Conduct appearing in the whole Affair) we may thank our selves, if God laugh at our Calamity, and mock when our Fears approach.

Reasons
why all
good Pro-
testants
should
stand by K.
William.

I have now done with the Proceedings of the Estates, having endeavour'd to vindicate these from what I apprehend might be objected. But because the Malice and Discontents of People against the present Settlement seem to increase, I shall add some few Reasons, why all good Protestants in *Scotland* ought to stand by, and join with King *William* against the Attempts of the late King and his Adherents: the cruel *French* and barbarous *Irish*.

I doubt not, but the Reasons propos'd already will prevail with some, I will could say with all, to change their biased Judgments concerning their Obligation to King *James*: yet to enforce this a little more, and that no honest Man be frighten'd from his Duty, in acknowledging King *William's* Authority, by some scandalous Pamphlets scatter'd thro the Kingdom, I shall further appeal to every Man's Reason to determine the present Case.

Because of
their Deli-
verance
from Popery
and Slavery
by him.

One would think the imminent danger we were in of Popery and Slavery, tho' one as dangerous to our future Happiness, as the other to our present; and the miraculous Deliverance wrought for us (under God) by so generous a Prince should intirely tie us to his Service. But alas! we are like the murmuring *Israelites*, whose Obstinacy and Discontents were almost as great a Miracle as their Deliverance; and if we perish and sink under that Ruin we have so eagerly courted, and possess not that Peace and Tranquillity purchas'd to us by so Divine a Deliverance, we must be forc'd to say, *Our Ruin and Destruction is the Fruit of our own Choice.*

That Popery and Slavery were coming in apace, were not the needless Fears, and groundless Jealousies of a discontented Faction: Things were not acted in the dark, but in the Face of the Sun: The whole Body of the Nation were once sensible enough, how near we were to Destruction, and that we were as *Firebrands pluckt out of the Fire*: That the Pressures and Miseries we lay under, were but the Forerunners of our greater Sorrow; the Meeting of a packt Parliament (which only a Miracle prevented) would quickly have open'd a Door to all the Cruelties and Barbarities that arm'd Force could practise. Now this being the Condition we were stat'd in during the Reign of the late King, one would think it were no very intricate nor difficult Case to resolve, whether we should join with the late King, who was beginning to destroy our Religion and Liberties, or with King *William*, who has freed us from those Pressures we lay under? Are we like Children, who are no sooner out of danger than they forget it, and their Deliverer too? Or, like Slaves, are we in love with our Fetters and Chains? Is it the Character of a good Protestant to be fond of Popery and Slavery? Had not those Men who now plead for joining with the late King, Eyes in their Heads as well as other Men? And did they not groan under the Pressures of an Arbitrary Power? How they come so suddenly to change their Thoughts, and to court that Danger they once so much dreaded, is, and will be matter of just Astonishment.

But besides the Greatness of the Deliverance, which we ought to acknowledge by the dearest Expressions of Gratitude and Kindness; we should farther consider the Risques and Dangers his present Majesty expos'd himself to in working this Deliverance, and the great Loss he must have sustain'd, if he had been defeated either by Land or Sea. Did he put his Life in jeopardy to relieve us from our Oppression, and was at so vast Expence in providing for our Safety, and the Protestant Interest? Did he lay all at stake for us, and should not this engage us to combine closely in his defence? Common Gratitude would plead for this; Publicans and Sinners love their Benefactors: But that which yet should further oblige us, is, That in the time of our great Extremity, when we were not able to free our selves, but inevitable Ruin look'd us in the Face, he not only expos'd himself, but engag'd the cautious Estates of the United Provinces to set about so great an Undertaking. And is this all the Gratitude we show to our Benefactors, who so cordially and generously contributed for our Relief, to join with their Enemies, and to do our utmost to ruin them?

And the Dangers he expos'd himself to in it.

I must moreover add, That if God has an Over-ruling Providence in the Government of the World, in setting up one and pulling down another, there are many wonderful and miraculous Occurrences in the whole Conduct of this Affair, that we may not unwarrantably from thence draw a new Argument to enforce our Obedience and Allegiance to the present King. For tho I am none of those who rashly judge the Goodness or Badness of an Attempt, by the Success; yet conclude God's Love or Hatred from a frowning or favourable Providence, which is not the Rule of our Duty; yet sometimes we may so plainly and remarkably see Almighty Power concern'd, and such wonderful Characters of a Divine and in managing and carrying on some Affairs, that Men may warrantably conclude, *this is the doing of the Lord*, or with the *non-plust Magicians*, say, *This is the Finger of God*. Let us not then join with the Enemies of our Deliverer, lest we be found fighting against God: Popery must down, and who knows but his Majesty is rais'd to be the Instrument of carrying on so glorious a Work, which likewise by some wonderful Predictions he seems to give us intimation of?

As also by reason of the over-ruling Providence of God in bringing it about.

Yet that which most loudly calls for our Allegiance to his present Majesty, is the Protestant Interest at home and abroad: For let any Man of common Sense tell me, there be the least probability of securing the Protestant Interest if King *James* should prove successful: For if he was so active and violent in bringing in Popery, when lately in Power, what might we expect, if a conquering Army did again bring him on the Throne? We might then see Popery walking bare-fac'd thro Britain, and poor Protestants expos'd to all the Miseries and Calamities their oppress'd and cruel Enemies (instigated by Malice) could invent. It was some ease to the oppress'd Protestants of *France*, that they had a prospect of Safety upon their escape; but if his present Majesty were ruin'd, where could we flee for Refuge?

The Protestant Interest calls for our Allegiance to him.

It is strange, to a Miracle, that the Severities and Cruelties exercis'd on the poor Protestants in *Ireland*, should not fright those who pretend to be Protestants, from engaging in the late King's Quarrel with wretched Miscreants, with an *Irish* and *French*

French Army, to enslave themselves, and ruin that Religion they profess; to entail Popery and Slavery not only upon themselves, but on their Posterity in the Ages to come; and to fight with the worst of Men, of the worst Religion, to overthrow the best Religion in the World. Except Men be blind, they can expect nothing but Misery and Calamity, and the intire Extirpation of our Religion, and the Subversion of our Liberties, if King *James* with his *French* and *Irish Army* prevail.

I confess it does not much surprize me to hear wicked and profligate Wretches of our Communion, who are a scandal to that holy Religion they profess, breathe out Discontent; for such sort of Men deserve no Countenance from a Religious Prince, and can make themselves nothing, unless they join with King *James*. But that those who seem to have some regard to the Protestant Interest, should appear for the late King, this appears to be unaccountable; for suppose King *James* were again set upon the Throne, can they expect to be long regarded, if from good Protestants they turn not bigotted Papists? It is well known what solemn Promises Queen *Mary of England* made to the *Suffolk-men*, who establish'd her on the Throne, and how perfidiously she broke them: Nay, History informs us, that no County in *England* suffer'd so much as *Suffolk* did, which should lead us to regard the Divine Hand of Providence. But to come nearer: The Reader might have been a Witness of the barbarous and inhumane Cruelties of the *French King* to his Protestant Subjects, who were the chief Instruments of settling him in the Government: For tho they had not only Promises, but many publick Edicts, especially that comprehensive one of *Nants* again confirm'd; yet no Engagement could tie that cruel Tyrant to his peaceable Protestant Subjects, but being acted by the Dictates of his Confessor, he fully verifi'd that known Maxim of theirs, *Faith is not to be kept with Hereticks*. Nay, have we not a fresh Instance to clear this, in the late King *James*? What publick Declarations, and private Promises did he make, to preserve our Religion and Liberties, according to the legal Establishment? And were we not Witnesses of the Encroachments made on both? The Bishops of *England*, who oppos'd the *Bill of Exclusion*, and the *Monmouth* Attempt, can perhaps give a better account of King *James's* Kindness; which is but small Encouragement for Protestants to join with him, unless they are before-hand resolv'd, that their Religion be the same with their King's.

K. J. if ever
restor'd, it
must be by
a Popish
Army.

If ever King *James* should be again set on the Throne, it must be by a Popish Army of barbarous *Irish* and *French*; for however discontented Protestants may a little weaken King *William's* Interest, yet they can never, without Foreign Assistance, hope to be Successful: and so if he be again King, we must expect to be treated as a conquer'd People, if not worse. And it is the vainest thing in the World, to think he will regard any Proposals for securing our Religion or Liberties: No, no, he who would not formerly regard the Legal Establishment, will now destroy it without remedy, and make use of all the Advantages of a Conquest, without asking Liberty of his Protestant Subjects. It is strange, Men should be wilfully blind! Are any of the Protestants in *Ireland*, who went too great a length in advancing King *James's* Interest, permitted to enjoy any publick Place? But to put all this beyond doubt, I shall set down a remarkable Passage of an *Irish Lord* to a Minister of *Dublin*, from the printed Account we have of that Conference: 'Tis by the force of the Arms (said that Nobleman) of his good Catholics, and by Assistance from the glorious Monarch of France, that King *James* designs to re-gain his Dominions; and then he comes in free and boundless, like an absolute Conqueror; and shall afterwards do what he pleases.

But there is no fear (God be thanked) that King *William* wants Hearts and Hands to defend him from the vain Attempts of his Enemies. There is nothing but our continu'd Sins that threatens our Ruin, and carries a dreadful Appearance of the Divine Displeasure: But tho our present Divisions and Animosities give King *James* a signal Opportunity to succeed in his Designs, and to make us miserable without being pitied, yet it is to be hop'd, that God Almighty will perfect that Deliverance, which hitherto has been carry'd on with so remarkable Characters of his favourable Providence. 'Tis true, it were just in God to suffer us to perish by our Folly, and to deny us his further Assistance, since we have wilfully despis'd that Deliverance he hath afforded us, and are the only Enemies to our own Happiness.

We might live in great Ease and Quietness, under the mild Government of the bravest and best King that ever adorn'd the *British* Throne, there being nothing wanting

anting on his part that can endear a King to his People. If we will notwithstanding, by our mad Discontents, endeavour to reduce the Kingdom to Misery and Ruin, and entail Popery and Slavery inevitably upon our Posterity, we shall be the most contemptible Nation upon Earth, and a Derision to all those that are about us.

The Grievances represented by the Estates of Scotland to the King's Majesty, to be redress'd in Parliament.

together with his Majesty's Instructions to his Commissioner for redressing the same.

- T**HE Estates of the Kingdom of Scotland do represent, That the Committee of Parliament, call'd The Articles, is a great Grievance to the Nation; and there ought to be no Committee of Parliament, but such as are freely chosen by the Estates, to prepare Motions and Overtures that are first made in the House.
- That the First Act of Parliament 1669. is inconsistent with the Establishment of the Arch-Government now desir'd, and ought to be abrogate. Instr. 4.
 - That Forfeitures in prejudice of Vassals, Creditors and Heirs of Entail, are a great Grievance. Instr. 6.
 - That the obliging of the Lieges to depone upon Crimes against Delinquents, other than when they are adduc'd in special Process as Witnesses, is a great Grievance. Instr. 10.
 - That Assizes of Error are a great Grievance, and that Juries be consider'd by Parliament. Instr. 7.
 - That the Eighteenth Act of Parliament 1681. declaring accumulative Jurisdiction, is a Grievance. Instr. 8.
 - That the Commissariot Courts, as they are now constituted, are a Grievance. Instr. 9.
 - That the Twenty Seventh Act of Parliament 1663. giving to the King Power to take Custom at Pleasure upon Foreign Import, and Trade, is a Grievance, and prejudicial to the Trade of the Nation. Instr. 17.
 - That the not taking an effectual Course to repress the Depredations and Robberies by the Highland Clans, is a Grievance. Instr. 11.
 - That the Banishment by the Council of the greatest part of the Advocates from Edinburgh without a Process, was a Grievance. Instr. 13.
 - That most of the Laws enacted in the Parliament Anno 1685. are impious and intolerable Grievances. Instr. 12.
 - That a Marriage of a King or Queen of this Realm to a Papist, is dangerous to the Protestant Religion, and ought to be provided against. Instr. 14.
 - That the Levying or Keeping on foot a Standing Army in time of Peace, without Consent of Parliament, is a Grievance. Instr. 19.
 - That all Grievances relating to the Manner and Measure of the Lieges, their Representation in Parliament, be consider'd and redress'd in the first Parliament. Instr. 15.
 - That the Grievances of the Boroughs be consider'd and redress'd in the first Parliament. Instr. 16.

Hamilton.

William R.

Instructions to Our Right Trusty, and Right entirely Beloved Cousin and Counsellor, William Duke of Hamilton, Our Commissioner for holding the First Session of Our next ensuing Parliament of Our ancient Kingdom of Scotland.

1. **Y**OU are to pass an Act for turning the Meeting of Estates into a Parliament; and the Three Estates are to consist of the Noblemen, Barons, and Burgessees.
- Grievance 1. 2. You are to pass an Act for regulating the Articles, to consist of Twenty Four Persons, besides the Officers of State, whereof Eight are to be chosen by the Noblemen of their Estate, eight by the Barons, and eight by the Boroughs of their Estate: And in case of the Decease of any of these Persons, that Estate out of which the Person deceas'd, shall supply the same. These are to prepare Matters and Acts for the Parliament, but not to exclude the Parliament to take any Matters into their Consideration, tho' it hath been thrown out or rejected in the Articles; and all former Acts, especially the First Act, *Parl. 1. Car. 2. Sess. 3.* inconsistent with this, are to be rescinded.
3. You are to pass an Act, recognizing our and the Queen's Royal Authority, and Right of the Crown; ordaining an Oath of Allegiance to be taken in place of all former Oaths of Allegiance and Supremacy, Declarations and Tests.
- Griev. 2. 4. You are to pass an Act, establishing that Church-Government which is most agreeable to the Inclinations of the People, rescinding the Act of Parliament 1669, and all other Acts inconsistent therewith.
5. You are to endeavour to pass an Act for raising such a Supply as may be necessary for securing the Kingdom from the present Danger and Foreign Invasion.
- Griev. 3. 6. You are to pass an Act, that Forfeitures shall only be extended to such Interest as the Rebel had; and that innocent Vassals, or lawful Creditors for Debts upon Record, shall not be prejudg'd, nor such Heirs of Entail whose Rights of Succession are establish'd by a publick Infeftment.
- Griev. 5. 7. You are to pass an Act, either to take away Assizes of Error, or otherwise, that they shall take place as well against a Jury that condemns, as a Jury that absolves any Pannal.
- Griev. 6. 8. You are to pass an Act, rescinding the 18th Act of Parliament 1681. asserting the Prerogative in point of Jurisdiction.
- Griev. 7. 9. You are to pass an Act; regulating the Abuses in the Commissary Courts and all other inferiour Courts.
- Griev. 4. 10. We are satisfy'd, that an Act should be past for securing the Lieges against Inquiries by way of Inquisition: but in respect of the present Juncture of Affairs, this matter will be well consider'd by the Parliament; and therefore when the Terms of this Act shall be adjusted, you are to transmit the same to Us, that We may give you particular Instructions thereanent.
- Griev. 9. 11. You are to endeavour to procure an Act for an effectual Course for redressing the Depredations and Robberies by the *Higbland Clans*; and when this Matter is digested, you are to transmit the Proposals to Us, that you may get particular Instructions thereanent.
- Griev. 11. 12. You are to pass an Act, rescinding such Acts as were made in Parliament 1685. as are justly grievous to the People.
- Griev. 10. 13. You are to pass an Act, that no Person be banish'd out of the Kingdom, or from any part thereof summerly without a Process.
- Griev. 12. 14. You are to pass an Act, that the Kings or Queens of that Realm shall not marry with Papists, under this Certification, that a Popish Queen Consort, or the Husband of a Sovereign Queen, shall be incapable to enjoy the Benefit or Advantage of

- any Provisions or Settlements which the Law provides, or particular Contracts, Agreements may have secur'd to them.
15. You are to pass an Act, that the greater Shires of that Kingdom, such as *Griev. 14.* *Perth, Air, Perth, Fife, Aberdeen and Midlothian*, or others, where it shall be most convenient, may send three or four Commissioners to Parliament, that the representation may be the more equal.
16. You are to pass an Act ratifying the Privileges of the Boroughs, and secur- *Griev. 15.* ing their Rights, in electing of their own Magistrates for the future; and that the Boroughs of *Glasgow and St. Andrews* shall have the Electing of their own Proffits, Bailiffs and Town-Council, as the other Royal Boroughs of the Kingdom have.
17. You are to endeavour to procure an Act or Acts for the Encouragement of *Griev. 83.* Trade; and if the 27th Act of Parliament 1663. be found inconvenient, it may be regulated or rescinded; and when the Proposals are adjusted, you are to transmit them to us, that you may receive our Instructions thereanent.
18. You are to pass an Act for regulating the Universities, so as good Order and Discipline may be preserv'd, and that pious and learned Persons may be employ'd as provided.
19. You are to pass an Act against a Standing Army in time of Peace, but so as *Griev. 13.* the Guards, Garisons, and necessary Standing Forces may be continu'd.
20. You are from time to time to adjourn the Parliament, as you shall find necessary: and in respect the Meeting may not be fully conven'd upon the 5th Day of June, which is appointed for the first Diet; therefore after passing the first Act, or adjourning them into a Parliament, you are to adjourn them to the 17th Day of the Month.
21. You are empower'd to confer the Honour of Knighthood upon such Persons as you shall find deserving of the same, not exceeding the Number of Six.

You have particular Instructions anent what is represented to Us as Grievances; there be any other things that may be necessary for the Good of that Kingdom to be pass'd into Laws, you are to acquaint Us from time to time with such Overtures, that you may be authoriz'd with particular Instructions thereanent.

Given under our Royal Hand and Signet, at our Court at Copt-Hall, the 31st day of May, 1689. And of our Reign the First Year.

By his Majesty's Command,

Melvill.

William R.

Additional Instruction to Our Right Trusty, and Right entirely beloved Cousin and Counsellor, William Duke of Hamilton, our Commissioner.

You are to nominate our Right Trusty and Well-belov'd Cousin and Counsellor, William Earl of Crawford, to be President of the first Session of Parliament, in and we have no Chancellor for the time being.

Given under our Royal Hand and Signet, at our Court at Copt-Hall, the 31st Day of May, 1689. And of our Reign the First Year.

By his Majesty's Command.

Melvill.

William R.

Additional Instructions to our Right Trusty, and Right entirely beloved Cousin and Counsellor, William Duke of Hamilton, Our Commissioner.

1. **B**y the Second Article of your Instructions, dated the 31st of May last, you was empower'd to pass an Act for regulating the Committee, call'd the Articles, which were to consist of Twenty four Persons, besides the Officers of State; notwithstanding of which, these are to authorize you to pass an Act for them to consist of Thirty three Persons, besides the Officers of State; whereof Eleven to be chosen out of every Estate according to your former Instructions, who are to prepare Matters, &c. as is therein express'd, not excluding the Parliament to take Matters into their Consideration, tho it hath been rejected in the Committee, nor to prevent their moving of any thing, and regulating of it to them; and the said Eleven out of every Estate to be chosen Monthly, or oftner if the Parliament think it fit; and all former Acts, especially the first Act *Car. 2. Sess. 3.* inconsistent with this, are to be rescinded.

2. You are to pass what Acts shall be propos'd for settling the Church-Government, according to your former Instructions.

3. You are to pass an Act rescinding all Forfeitures past against any of our Subjects either in Parliament, or Criminal Court, since the first Day of January 1665, which shall be thought fit by the Parliament to be rescinded: Likewise you are to consent to what our Parliament shall propose for Restitution to be made of Fines, or Compositions for Fines, or Forfeitures from those who had the Benefit of them and you are to rescind such Acts as were made in the Years 1681 and 1685. as are justly grievous.

Altho the first of the above Instructions is not comply'd with yet, you are to move the other two, and have them past before any Adjournment.

Given under our Royal Hand and Signet, at our Court at Hampton-Court, the 4th Day of July, 1689. And of our Reign the First Year.

By his Majesty's Command.

Melvill.

William R.

Additional Instructions to our Right Trusty, and Right entirely beloved Cousin and Counsellor, William Duke of Hamilton, our Commissioner.

1. **Y**OU are to touch the Act already past, abolishing Episcopacy, as soon as you can, and to rescind all Acts inconsistent therewith.

2. You are to rescind the Act past in 1685. annexing Forfeitures to the Crown.

3. By the third Article of your Instructions, dated the fourth instant, we did empower you to reduce all Forfeitures past against any of our Subjects since January 1665. Now we do authorize you to pass what Acts shall be propos'd for reducing Forfeitures,

forfeitures, &c. since the Year 1660, if the Parliament desire it, and to consent to what shall be propos'd for making Restitution of Fines, or Compositions for Fines or Forfeitures, as is express'd in the fore-mention'd Article; and you are to such what Acts pass conform to this.

4. You are to recommend to the Parliament to raise a Supply of Money for paying the Army, and supporting the Government, according to your first Instructions.

5. You are to allow the Parliament to choose Committees for the three foregoing Instructions, notwithstanding the Committee of the Articles be not appointed, as so for what concerns Church-Government.

Given under our Royal Hand and Signet, at our Court at Whitehall, the 17th Day of July, 1689. And of our Reign the First Year.

By his Majesty's Command.

Melvill.

The late Proceedings and Votes of the Parliament of Scotland; contain'd in an Address deliver'd to the King, signed by the Plurality of the Members thereof, stated and vindicated.

licet res ipsa aspera est, at vos non timetis; sed inertia & mollitia animi, alius alium expectantes cunctamini; videlicet diis immortalibus confisi, qui banc rempublicam in maximis sæpe periculis servavere. At non votis neq; suppliciis muliebribus auxilia deorum parantur. Vigilando, agendo, bene consulendo, prosperè omnia cedunt: ubi concordia tete atq; ignavia tradideris, nequicquam deos implores; irati infestiq; sunt. Cato apud Salust.

To the King's most excellent Majesty.

The Humble Representation of the Lords and Commissioners of Shires and Boroughs of the Kingdom of Scotland, Undersubscribers, and Members of this Current Parliament, now adjourn'd till the Eighth of October next. Deliver'd to his Majesty at Hampton Court, Octob. 15. 1689.

NOTHING save the great and general Surprize of this long distressed The Occasion and at present unsettl'd Kingdom, upon the late Adjournment of your of the said most Loyal Parliament for so long a time, and in so critical a season, Address. with the deep Concern of your Royal Interest therein, could possibly have induc'd us to this so necessary a Petition. But the visible Consternation and Discouragement of thousands of your good Subjects, delay'd in the Relief and Comfort which at this time they assuredly expected, with the Advantages that we apprehend your Majesty's Enemies, both within and without the Kingdom, may think to reap by such

such an Interruption, being our only Motives, we cannot, we dare not be silent. And therefore to prevent these evil Consequences, we in the first place most solemnly protest and declare, in the Presence of God and Men, our constant and inviolable Fidelity and Adherence to your Majesty's Royal Title, Right and Interest, so frankly and cheerfully recognosced by us in this Current Parliament, wishing and praying for nothing more under the Sun than your long and prosperous Reign, as that wherein the Security of all our Lives and Liberties, and also of our Holy Religion, more dear to us than both, is infallibly included. It was the Persuasion we had of the Justice, as well as the Necessity, of your Majesty's Heroick Undertaking for the Delivery of these Kingdoms, with the Conviction of the Divine Confirmation that appear'd in its Glorious Success, that mov'd most, if not all of us, to endeavour and concur most heartily in the late Meeting of Estates, for the Advancement and Establishment of your Majesty upon the Throne, when some discover'd their Disaffection, and were too open Retarders and Obstructors of that good Design: And it is from the same true Affection and Zeal, that we do now most heartily make the above-mention'd Protestation, to obviate all the Misconstructions your Enemies may make in this Juncture.

Their Assurance of his Majesty's doing what is necessary for the Kingdom.

Nor are we less assur'd of your Majesty's most sincere and gracious Intentions to perform for us to the utmost, all that the Estates of the Kingdom have either demanded, or represented as necessary and expedient for securing the Protestant Religion, restoring their Laws and Liberties, and redressing of their Grievances, according to your Majesty's Declaration for this Kingdom. Neither can it be imagin'd, that so wise and just a King as your Majesty will ever be persuaded, that so Loyal a Parliament as this can be induc'd either to wish or design any Prejudice to, or Diminution of your true Interest and Prerogative; but such as have slavishly serv'd and flatter'd Arbitrary Power and Tyranny, will be always studying for their own sinister Ends, to state a separate Interest betwixt King and People, a Practice which we are confident your Majesty abhors.

What was voted by the Parliament that had not the Royal Assent, viz. An Act to nominate and appoint Committees.

But that we may clear our selves upon this present occasion to your Majesty's full Satisfaction, and refusing of all Misrepresentations we can incur on any hand, we shall briefly rehearse to your Majesty the Votes passed in this present Parliament, to which the Royal Assent is not given, with such short Reflections, as we hope may tend to the better Vindication of all concern'd.

The First Act upon which the Vote of Parliament has passed, is, That declaring the Privilege of the Estates of Parliament to nominate and appoint Committees, as they shall think fit; and excluding therefrom the Officers of State, unless they be chosen: And omitting what the Parliament hath already represented to your Majesty as Reasons of their Vote, it is humbly conceiv'd, that this Act is exactly fram'd to the extent of that Grievance, which together with the rest, is desir'd in the Instrument of Government, to be redress'd unto us in Parliament.

To abrogate the Act about the King's Supremacy.

The Second, was an Act abrogating the Act of Parliament 1669, asserting the King's Supremacy over all Persons, and in all Causes Ecclesiastical; and this Act is so exactly conform to the Second Article of the abovemention'd Grievances, and the foresaid Act of Supremacy in it self is so dangerous to the Protestant Religion, as well as inconsistent with the Establishment of any Church-Government, that we doubt not your Majesty will ever approve all that voted to it.

Concerning Persons to be employ'd in publick Trusts.

The Third, is an Act anent Persons not to be employ'd in publick Trusts; and all the Ruins and Distresses of this Kingdom, have so certainly flow'd from the Persons therein noted, especially such as by their contriving of, and concurring in the Dispensing Power, have thereby eminently indanger'd our Religion, and overturn'd all the Fences of our Liberties and Properties (which we have good ground to believe the Parliament would have extended but to few Persons) And your Majesty in your Declaration, hath so justly charg'd the same upon evil and wicked Counsellors (the only Persons pointed at in this Act) that we are persuaded that you will find it absolutely necessary for attaining all the Ends of your Majesty's glorious Undertaking for our Relief.

For Nomination of Lords of Session and Election of the President.

The Fourth, is an Act concerning the Nomination of the ordinary Lords of Session, and the Election of the President, to wit, That in a total Vacation they be try'd, and admitted or rejected by Parliament, and in a particular Vacation they be try'd and admitted, or rejected by the other Lords: And that the President be chosen by the Lords themselves, conform to our old Practice and express Statute. And this Act is so agreeable to Practice Laws and Acts of Parliament, and so necessary

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cessary for the true and equal Administration of Justice (the great Security of all Kingdoms) that your Majesty will unquestionably approve it.

The Fifth and last is an Act ordaining the Presbyterian Ministers yet alive, who were thrust out since the First of January 1661, for not conforming to Prelacy, and not complying with the Courses of the Time, to be restor'd. And this Act is in it self so just, and so consequential from the Claim of Right, and agreeable to your Majesty's Declaration, that less in common Equity could not be done. And were your Majesty may be pleas'd to consider, That tho Prelacy be now by Law abolish'd, yet these few Ministers, not exceeding Sixty (tho restor'd, as they are not, for want of the Royal Assent to the foresaid Act) would be all the Presbyterian Ministers legally establish'd and provided for in Scotland.

And for restoring the Ministers ejected in 1661.

It is not unknown to your Majesty what have been the said Confusions and Disorders of this distressed Country under Prelacy, and for want of its antient Presbyterian Government; and now the whole West, and many other Parts of Scotland, are a present desolate and destitute, having only Ministers call'd by the People upon the late Liberty, without any Benefice or Living, or convenient place to preach in. It is also certain, that there are many Hundreds of forefaulted and fin'd Persons who are yet waiting to be restor'd and re-founded, according to the Claim of Right, and your Majesty's Gracious Instructions thereanent.

The Desolation of some part of Scotland for want of Ministers.

It is true, the last Thing propos'd by your Majesty's Commissioner in Parliament, was a Supply of Money for Maintenance of the Forces so necessary for our present Defence; and we should have prov'd our selves ungrateful to your Majesty, and false to our own Interest and Security, if we had absolutely refused it: But there being a sufficient and certain Fund to maintain all the Forces, and support all the incident Charges of the Government for some Months; all that we demanded as, That some things visibly necessary for Satisfaction of the Country, and the better enabling and disposing them to pay the said Supply, might be first expedited. We are confident that the Vote of Parliament, which was only for a short Delay, will not give your Majesty the least ground of Offence.

Why they delay'd giving Supply.

And now having presum'd to lay these things before your Majesty with all humble submission, purely out of Duty for preventing the evil Constructions of your Majesty's Enemies, and for our own just Vindication; we most humbly beseech your cred Majesty graciously to consider what is here represented; and in Prosecution your Majesty's Acceptance of the Claim of Right, and your Declaration mittid for this Kingdom, to take such Courses as you in your Royal Wisdom shall think fit, for passing the foresaid Acts of Parliament, and redressing all our other Grievances. And we your Majesty's most humble Petitioners and faithful Subjects, shall, as in Duty bound, ever pray for your long and prosperous Reign er us.

The late Proceedings and Votes of the Parliament of Scotland, vindicated.

TO remain silent under the Aspersions which some busy, but either weak or ill Men, are endeavouring to fasten not only upon the Proceedings, but upon divers of the most Honourable and Loyal Members of Parliament, were to be no less treacherous to his Majesty, than careless of the Reputation of the whole Illustrious Body; as well as of the Integrity of those Persons who are so to have so much influenc'd the Transactions of it; and whose chief Crime (with those that malign and traduce them) is their having express'd so much Affection and Zeal for his Majesty's Person and Service. And as the representing their Actions in a true Light, is all that is needful, both to justify and commend them; so whosoever will be at the pains to examine them, will find them adjusted to all the Rules of Law, Religion, and Policy. And as it is not to be doubted, that whensoever the Parliament assembles, they will both vindicate their Proceedings, in Customary and Legal Methods, and exert that Authority which is essential to them, over those of their own Members, by whom they have been slander'd.

The Necessity of vindicating the Proceedings of the Scotch Parliament.

deid ; so all that is now to be endeavour'd in their behalf, is to vouchsafe unto the *English* Nation (to whom they have been misrepresented) such a brief Account of their Transactions, with the Occasions, Reasons, and Motives of them, as may not only manifest the Wisdom and Loyalty of that Parliament, but demonstrate beyond all contradiction, that the only design they have been pursuing, was to preserve and maintain his Majesty's Honour, secure and establish him an Interest in the Love and Hearts of his People, and make his Throne firm and durable.

The Laws, &c. of Scotland in the late Reigns were invaded and overturned. It is too evident, either to be denied or apologiz'd for, that all the Laws, Privileges, and Rights of the Kingdom of *Scotland*, have under the late Reigns been not only usurp'd upon and invaded, but subverted and overthrown. For by gradual Inlargements of the Prerogative, beyond what was allow'd by the Rules of the Constitution, and the Statutes of the Realm, the Legal and Regular Monarchy of the Nation was swell'd into an Arbitrary and Despotick Power. So that all the Franchises and Rights, which by original Contracts and subsequent Laws had been reserv'd unto the People, were either overthrown, or enjoy'd precariously.

Cause of their being so. And we are compell'd to say, that the Coalition of *Scotland* with *England*, under one Monarch, without a Union between the two Nations into one Legislative Body and Civil Government, hath given great Advantages to our late Princes of treating us with a Rigour and Loffiness, that our Ancestors were not accustom'd unto : And tho a small Acquaintance with Politicks might have instructed the *English*, that whatsoever receiv'd a first Impression amongst us, would sooner or later obtain a second Edition amongst them ; yet they seem'd either not to have foreseen, or at least not to have resent'd it, until the Original of King *James's* Absolute Power in *Scotland* (which all Men were bound to obey without Reserve) was copied over in *England*, in his Claim of Sovereignty, in dispensing with those Laws that were the Fence about their Safety. It was from the unconcernedness which the *English* have too often testify'd, not to say the countenance they have have given, in relation to the Usurpation of our late Kings over the Laws and Liberties of *Scotland*, that those Princes have despis'd the Applications made unto them, as well by Parliaments, as by the Nobility and Gentry, for redressing their Grievances ; and that the Nation remain'd so long discourag'd from relieving it self in those Methods that were left it. And as the *Scots* did for many years sadly feel and experience, into what Excess their Kings grew up in usurping upon their Laws and Liberties, from a Hope and Confidence of being justify'd and supported in those Invasions by the Strength and Treasure of *England* : So the *English* cannot be altogether insensible, how *Charles* the Second not only confronted their Bill of Exclusion in *England*, with an Act in *Scotland* for the Hereditary Succession of his Brother, but what large Breaches he was encourag'd to make upon their Rights and Privileges, after his having obtain'd an Assistance of 22000 Men, to be enacted and granted unto him by Law in *Scotland*, and those to be us'd in what Places and upon what Occasions he should please to employ them. Nor are we able sufficiently to express our Obligations to his present Majesty, who being extremely sensible, that our remaining disinited in our Governments, and two distinct Monarchies, tho link'd together under one Monarch, hath been one of the great Occasions and chief Sources of our common Miseries and Oppressions ; and being desirous both to redeem us from the illegal Sufferings we have already felt, and to obviate those which might break in upon us under future Reigns, hath therefore invited the Nations to such a Union of Strength, Councils and Legislative Authority, as may render them a Defence to each other, and not Instruments and Tools of enslaving one another, and a mutual Prey. Which as all wife and good Men do earnestly long for, so the common Interest of the two Nations obliges them speedily to endeavour.

How far they are oblig'd to his Majesty for endeavoring an Union with England and Scotland. But we are forc'd to add, that besides the Encouragement which our late Princes have assum'd unto themselves, of usurping upon the Rights and Liberties of *Scotland*, from an Expectation of being supported in it by the Power and Wealth of *England* ; there is another Cause, unto which much of their Invasion upon the *Scots* Privileges is to be ascrib'd, and unto which we are forc'd to resolve many of our Miseries, as the Spring whence they have flow'd. For upon the Succession of our Kings to the Crown of *England*, and their fixing their Royal Abode and Regal Seat in that Kingdom, they are thereupon fallen into a Method of deriving their Knowledge of *Scottish* Laws and Customs, of being inform'd of the Grievances of that Nation, and of receiving Impressions of Persons and Things from one or two Ministers

ministers chosen to reside about them, and in order thereunto advanc'd into Places of Honor and Trust; and who too often have been found to want either the Hospitality, Wisdom, or Courage requisite in those upon whom so much comes to be rely'd. Surely the World hath had sufficient Evidence in the Ministry of the late Duke Lauderdale, what Mischiefs a Person in his Post about the King may be instrumental in bringing upon the Kingdom of Scotland: For tho he was endow'd with too much Wit and Courage, to be either hector'd or wheedl'd to be any man's Tool and Property; yet thro lack of Probity on the one hand, and excess of Ambition on the other, he was easily prevail'd upon to become an Instrument of ruining and enslaving his Country. What may Scotland then dread, if a Person should be honor'd with the Character and Trust of Secretary for that Kingdom, whom all the Qualifications for so considerable a Station, were the sighing deity, the entertaining one with a grave Nod, or if you please, a Grimace instead of a solid Reason; the making those whom he judgeth Court-Favorites, his erring Oracles; and learning the Customs, Rights and Laws of his Nation, in them that never did, nor were oblig'd to know them; the recommending those to be Privy-Counsellors to the King, who withstood his being so; the favoring those in obtaining the Office of prosecuting Nocents, who stand accus'd for leavouing to suborn Witnesses for destroying the Innocent; and, as an addition to all those Accomplishments, should be so swallow'd up in the immoderate love of the World, that instead of having his Thoughts exercis'd about the Service, Grandeur and Safety of his Master, should be wholly employ'd how to increase the considerable Places of the Kingdom for enriching his Family? Into what conveniences may the best Prince be easily drawn, if his Secretary be unable to advise him what he may legally do, and what he may not? With what facility is a weak and easy Person in that Post misled by an English Minister of State, who has a mind to be reveng'd upon Scotland for rejecting Episcopacy? How may a flattery and treacherous Courtier, that hath a purpose to play an after-game for the late King, influence a Scots Secretary, unskill'd in Politicks, to imbroil his present Majesty with his People in Scotland; and all for this, that the abdicated Monarch may have a new Throw for his Crowns again? Suppose but one Person in attendance about the King for the Affairs of Scotland, and him to be extremely timorous; what fatal Counsels, under the fear of the Whip, may he be prevail'd upon to suggest and give? Hence it is evident what Disadvantages those of that Nation lie under, of having both their Persons and Actions misrepresented, and their Rights and Liberties undermin'd and invaded; and that as well by reason of the King's residing constantly at so great a distance from them, as because of his having no more Counsellors usually about him, in reference to their Affairs, than (as a French King was pleas'd to express it) may all ride upon one Horse.

Now as it was the Oppression and Slavery under which we had been brought, rendered his Majesty's Undertaking in coming into these Kingdoms with an armed Force, in order to redeem them, both honourable and just: So it was the hope of being deliver'd by him from Misery and Bondage, that encourag'd us to invite, and then to co-operate with him in the Prosecution and Accomplishment of his glorious Design. It was the Invasions upon our Laws that we complain'd of, and from which we desir'd and endeavour'd to be reliev'd; nor had we Quarrel with the late King's Counsellors, save as they were Advisers unto, and Instruments of overthrowing them. So that if what the Parliament of Scotland desires to have redress'd, be not something wherein their Laws have been violated, and their Rights violated, they are to blame for insisting upon it as a Claim of Right; and should rather crave it as an Act of Grace, if they find the same to be of it prejudicial to the Nation. But if what is requir'd do either appear to have been wrested from the Nation, or that thro their not obtaining it, they will be on all occasions obnoxious to be oppress'd and intralld, we may then assure ourselves, that his Majesty is too just, as well as good, to deny them. For as his Majesty doth generously acknowledg in his Declaration emitted at the Hague, for the restoring of the Laws and Liberties of the Kingdom of Scotland, 'That they who are concern'd in the Laws, Liberties and Customs establish'd by lawful Authority in a Nation, are indispensibly bound to endeavour to preserve and maintain the said Laws, Liberties and Customs; so he doth in the same Declaration sacredly promise, that upon being prosper'd in what he was then undertaking, he will not only free that Kingdom from all hazard of Popery and Arbitrary Power for the future, and deliver it from what at that time did expose it to

Which was the Cause of the Scots inviting over K.W. to redeem them.

' both, but settle it by Parliament upon such a solid Basis, as to its Religious and Civil Concerns, as should most effectually redress all the Grievances under which it had groan'd. And therefore as we are not to imagine, that a Parliament, which in the whole Course of its Proceedings hath testify'd so much Love, Loyalty and Zeal for his Majesty, both in advancing him unto, and maintaining him in the Throne, will abridge and lessen any of the just and legal Prerogatives of his Crown; or challenge any Privilege, Right or Immunity, which their Ancestors have not been possess'd of under the best and most glorious as well as antient Reigns: so it were unpardonable to think, that a Prince of so much Wisdom, Goodness, Honour, Justice and Truth, as his Majesty is known to be, should either insist upon the detaining from his People, what some of his Predecessors have by Fraud and Violence ravish'd from them; or should so far depart from his Princely and Sacred Word, as to frustrate the Expectations of his Lieges of having those Grievances redress'd, which his Parliament have condescended upon as necessary to be remedied.

The Cause of his Majesty's delaying to gratify his Peoples Desire shewn.

But as his Majesty's delaying to gratify the Desires of his People, is not the Effect of Choice and Inclination, but the Result of a Force put upon him thro' the sinister Representations given him of their Demands, both as Illegal, and as Infrachments upon the Royal Authority: So we do not wonder that the same Person should misreport the Actions of a Parliament, and insinuate into his Master unjust and false glosses of their Votes, who hath had both the Impudence and Treachery to endeavour to possess the King with disloyal Characters of his most dutiful, best and useful Subjects. Add seeing his Capacity both as a Lawyer, and his Majesty's Advocate, hath not serv'd to instruct him of the danger, nor to restrain him from Leasing-making (which is Treason by the Law of Scotland) it is to be hop'd that the Persons whom he hath criminally slander'd, will have the Courage to impeach him; and that the Parliament will have the Justice to condemn him to the Punishment that the Law adjudgeth him unto. Nor can it be matter of Astonishment to any, to find a Person imposing upon his Majesty in reference to the Laws, Rights and Customs of his Country, who has had the Impudence as well as Malice, to brand those for Republicans, by whose Power, Zeal and Interest, the Crown came to be confer'd upon the present King. But they must be Persons of a very short Prospect, who do not perceive, that they who are endeavouring to restore King James, account it expedient to blast those in his present Majesty's Esteem, under the reproachful name of Republicans, who have the Loyalty and Courage to venture their whole for his Crown and Dignity, and to withstand those ill Men in what they are about. And I will venture to say it freely, that as it is not Names, but Things, which wise Men seek and pursue; so there is no more requir'd to the freeing both Scotland and England from the Commonwealthsmen, and from all Republican Principles, but that his Majesty persevere in preserving unto his People their Rights and Liberties, esteem Parliaments as well his great Council in arduous Affairs, as the Suppliers of him in his Necessities with Money, and that he makes the known Laws the Measure and Standard of his Government. While, on the contrary, it is in the power of ill Ministers (if his Majesty hearken unto them) to withdraw nine parts of ten of the People in six Months from their Love of Monarchy, and to force them upon wishing for a Commonwealth. And had it not been for the view which the Nations under the last Reign had of their Royal Highnesses the Prince and Princess of Orange, and the assurance they entertain'd of enjoying their Laws and Privileges under their Government and Authority, the Methods which the late King took, and the Counsels he follow'd, would instead of the Translation of the Crown to their present Majesties, have put an end to the Monarchy. Nor can any thing so affright considering Persons from addictedness to Monarchy, as the leaving the Nations under the Power, Conduct and Authority of those very Men, by whose Counsels and Management the late King came to forfeit his Crown; seeing some will be so peremptory as to imagine, that it cannot be upon personal Liking that they come to be us'd, but because the nature of the Government requires them, or at least Persons of their Principle and Political Complexions.

The King's Advocate the Cause of embarrassing the K. and Parliam.

But so far as much as the present Embarrass of his Majesty with his Parliament of Scotland, is wholly caus'd by the Advocate's abusing his Majesty in the account he hath given him, both of the Rights and Jurisdictions of the Estates in Parliament assembled, and of the Laws and Customs of the Kingdom; I shall therefore, in order to the disparaging of him with all the wise and loyal part of Mankind, and the

debarring him the King's Ear, and attracting upon him the Royal Indignation, blish the Principle upon which he builds all the Advices he communicateth to his Master, and with which he seeks to poison and corrupt his Royal Mind. And this That the King hath a separate Interest from his People, which he ought to pursue in distinction from theirs. And this we may be sure he does not fail of insinuating, either immediately unto his Majesty, or at least to those about him; seeing had the Folly, as well as the Impudence, both to assert and to seek to justify it open and full Parliament. Now whosoever gives himself the trouble of examining the tendency of this Principle, will find the natural Consequences of it to be, at the Prince and People must not only live in a constant Jealousy and Dread of another, but must always be embark'd in an intestine War. Nor is it to be added, unless either by the King's arriving at the height of Tyranny, and the people sinking into the Abyss of Slavery; or by the Subjects grasping the whole Power and Authority, and leaving unto the King an empty Name. Yea, it is a avowing of the very End for which Government was ordain'd of God, and substituted unto by Men; seeing that was nothing else, but that the whole Society, comprehending Ruler and Ruled, might have but one common Political Interest; the Defence and Security whereof each of them were to have their respective duties allotted unto them. Nay, the very Prerogative acknowledg'd to belong unto the King, is nothing save a Power trusted with him, in relation to some Cases that may emerge, by which he may be the better enabled to preserve the safety of the Community, and to provide for the Benefit of the Publick. Nor did Sir J. — D — le take a more effectual Course to supplant the King in the rights of his People, and to possess them with an Horror of, and an Alienation from his Government, than by his proclaiming within the Parliament Walls, that the King hath a separate Interest from that of his People, and by consequence that he is to promote and maintain it, with the Neglect, if not the Ruin, of theirs; whether there any thing more probable than that the Advocate vented it in Treachery to his Majesty, whom out of a Love to the late King, and a Desire to have restor'd, he seeks to undermine and betray. For he hath hereby so alarm'd the People in reference to his Majesty's Government, and fill'd them with those disapprehensions of what they are to expect, in case the King hath a separate Interest from theirs, that it will be difficult either to allay their Fears, or to recover them to an intire Trust in his Majesty's Justice and Goodness, without removing that Man both from about his Majesty's Person, and out of his Councils, who has given them that frightful Idea of his ensuing Reign. However from this of the Advocate, as well as from innumerable Observations made from the present Behaviour and Conduct of those who are receiv'd into the Majesty's Councils and Service; after they had not only minister'd to King James thro the whole Course of his Reign, but co-operated with him in most, if not all the Methods of his Tyranny; we may rationally venture at this Reflection, that they are either endeavouring to justify the former Reign, by seeking to expose and disgrace this, or that they are studying to cover themselves from what they are obnoxious unto, for their Crimes under the last Government, by repeating and repeating the same under the Connivance and Indulgence of the present

The Principle he goes upon.

The Consequence of it.

and as by the first, they evidently shake his Majesty's Throne; so by the second, they not only abuse the Mercy of the Government, but despise its Justice. By the first they render the Government vile and cheap, and by the former they pursue subversion. It must withal lay a great prejudice upon the Opinion of those that side his Majesty from gratifying his People in these Demands, about which so much noise has been made here as well as there, that they were judg'd necessary for his Interest as well as the Kingdom's Safety, by, in a manner, the unanimous Vote of the whole Parliament; and of which it may be modestly said, that it is not only one of the wisest, but constituted of the most considerable Persons for Quality Estate and Esteem in their Country, that ever Scotland had. For even the Vote of the Lords of the Session, which is most censur'd and stumbled at, pass'd the whole House without any more dissenting Voices than barely four; and of those Sir J. — D — ple, who was the leading Man amongst them, sensibly bias'd by the Consideration, that, if the Vote obtain'd, his Father would have been excluded from the Honourable, and to him beneficial Place of President, to which he was now advanc'd. Is it not more likely that these few should act without regard to the King and Kingdom's Interest, and depart from the Laws, Rights and Customs

The Danger of entertaining such under the present Government as were the Ministers of the last.

toms of the Realm, than that the whole Body of the Parliament should be unacquainted with what the Constitution, as well as the common Safety of Prince and People, authorize them to claim? and that they should exceed the measures of Law, Justice and Equity, in what they demand? Nor was the Parliament under the Influence of such Motives for inroaching upon the King's Prerogative, as these Gentlemen were for betraying both the Jurisdiction of Parliament, and the Privileges of the Nation. For having sacrific'd all the Laws and Rights of the Kingdom, under the late Reign, to the Lust and Will of one Arbitrary and Despotical Monarch, they could do no less, both by the Rules of Policy and Uniformity, than endeavour to vest his present Majesty in the Robberies of former Princes; there being no such way for Thieves to escape at the Bar, as to prevail with the Judge to receive and harbour their stolen Goods. And for the King to rely upon being inform'd by Sir J. D—ple, what is the Prerogative of the Crown, and what are the Rights and Jurisdictions of Parliament, is as if King James's Attorney General were to be made the Oracle of the Court, in reference to what Crimes and Offences Peers and Gentlemen were to be condemn'd and executed for, and for what Fines and Miscarriages Cities and Corporations were to forfeit their Charters, and to be depriv'd of their Franchises. Could the Parliament have been guilty of so impudent, as well as criminal a Thing, as to inroach upon the just Prerogatives of the Crown, and to rob his Majesty of his legal Rights, it would have been more for their Profit and Interest to have effectuated it in relation to the disposal of Offices of State, and of Military Commands, than to claim merely a Right of interposing, and that only in the Case of a total Vacancy of the Session, about the approving of Persons nominated by his Majesty to judicial Places. For whereas the former would look like the putting themselves into a condition of giving check to their Prince, whenever a Capricio should take them, and they should fancy themselves aggriev'd; all that can be aim'd at, or possibly compass'd by the latter, is to have Justice equally administred according to the known Laws, which is no less his Majesty's Interest than his Duty, to make wise and careful Provision for. In a word, it would seem to command, as well as to bespeak Belief, that a whole Parliament, who, in all other Proceedings, have acted with the highest Prudence, Temperance and Justice, and where there are so many Persons of Virtue, Honour, Probity and Knowledge of the Laws and Customs of the Nation, should be more regardful of voting justly, and challenging nothing but their legal Rights, than that only four Men should be found insisting upon what is Right; and they such, as most of them have been Tools and Instruments in the Breaches made upon the Rights and Liberties of the Nation.

The Delay to redress the Scots Grievances is wholly to be laid on a few ill Ministers, and not on his Majesty.

And as the whole Blame is to be intirely lodg'd upon a few Ministers about his Majesty, both as to the Delay that hath been given to redress any of the Scots Grievances, and as to the disputing of the Equity and Justice of actually relieving them from some; so besides the Confidence that all good Men are possess'd with, from the Consideration of his Majesty's Wisdom and Goodness, that all will be at last accommodated to the King's Honour, and the Peoples universal Satisfaction; the Concessions his Majesty hath lately granted, with reference to the Articles, even against the Opinion of his Ministers, is as an Earnest and Pledg what his People may expect in reference to the rest, if it can be made appear, that what is further insisted upon, and humbly desir'd of him, is the relieving of his Subjects, and not the robbing of himself; the being kind to his People, and not unjust to the Crown; and the exercising Mercy to all, without being cruel and unrighteous to any. So that we are become oblig'd, in point of Duty to his Majesty, before whom our Demands and Claims lie, and from the Respect we owe to the English Nation, among whom these Matters are both publicly discours'd, and differently represented and censur'd; and finally, by the Justice we account due to the Parliament of Scotland, whose Moderation is not only question'd by reason of their Demands, but also their Loyalty: I say, we are become oblig'd, by all these Motives and Inducements, to enter into a detail of the several Particulars in controversy between some of his Majesty's Ministers, and the Parliament of Scotland; and not only to state, with what distinctness we are able, the several Heads subjected to Debate, but to give all that Support and Enforcement from Reason, Law and Custom, to the Expediency as well as Equity of them, that we judge to be requisite, and that we can dispatch in the narrow room which we have confin'd our selves to.

In pursuance of which Undertaking, we will begin with the Vote to which the Royal Assent is not given, that referreth to the disabling and precluding Persons from

om publick Trusts and Employments. And this we the rather do, both because
e can discharge our Hands the soonest of it, and because it is the most censur'd by
me of the English, from an apprehension that what of this nature passeth into an
t at *Edinburgh*, may be drawn into Precedent at *Westminster*. But that every one
ay judge of it, and what shall be offer'd in the Vindication of the Necessity and
Justice thereof, I shall present the Reader with a Transcript of the Vote. The
King and Queen's Majesties considering that the Estates of this Kingdom have,
by their Vote, declar'd their Sense and Opinion, That such as have in the former
evil Government been grievous to the Nation, or have shew'd Disaffection to
the happy Change, by the Blessing of God now brought about, or have been Re-
tarders and Obstructors of the good Designs of the said Estates in their Meeting,
were not fit to be employ'd in the Management of the Affairs of this Kingdom;
do with Advice and Consent of the Estates of Parliament now assembled, sta-
tute and ordain, That no Person, of whatsoever Rank or Degree, who in the
former evil Government have been grievous to the Nation, by acting in the In-
roachments, mention'd in the Articles of the Claim of Right, which are de-
clar'd to be contrary to Law, or who hath shew'd Disaffection to the happy
Change, by the Blessing of God now brought about, by acting in opposition
hereunto, since the time that the King and Queen now reigning were proclaim'd,
or who hath been a Retarder or Obstructor of the good Designs of the said
Estates, *viz.* The securing the Protestant Religion, the settling the Crown, the
stablishing the Rights of the Lieges, and the redressing their Grievances, by
acting contrary to these good Designs, since the time that they became publick by
votes, and Acts of the Meeting, be allow'd to possess, or be admitted into any
publick Trust, Place, or Employment, under their Majesties in this Kingdom.

*The Scots
Vote for
disabling
Persons
from Places
of Trust
and Profit.*

suppose the Reader by this time surpriz'd at the Unreasonableness of the Age
we live in, that there should be Men found so void of Sense and Understanding, as
to say out any thing here that deserves to be clamour'd against, or which is worthy
to be complain'd of: Every Line breathes of that Lenity and Moderation, that it sa-
tisfies rather of a Defect of Justice, than of any Excess of it; and the utmost
they design'd, is only a disabling a few wicked Men from ruining us for the fu-
ture, and not a punishing of them for what they have done: for as there are none
excepted as to Life, so the few design'd to be debar'd from Offices, are describ'd
character'd after such a manner, that the very employing them will dishonour
his Majesty, and disgrace his Government. There is no abridging his Majesty's
clemency, only an endeavour to maintain the Justice of his Undertaking in coming
to deliver us. For having charg'd the late King's evil Counsellors, and them only,
with the Crimes upon which he grounded both the Righteousness and the Necessity
of his Expedition; whosoever is so villanous as to advise him to use them, can
derive no less than deriving an Aspersion upon his Wisdom, Justice and Sincerity.
If the Nations be not deliver'd from those against whom he declar'd, how shall
he be able to answer his Enemies, who accuse his coming hither to have been up-
on another Motive? For what his Friends affirm to have been bestow'd upon him
as a Reward only of his Expedition, and of the Deliverance he wrought out for
his Adversaries will be encourag'd both to believe and say, was the principal,
if not sole end of it. Nor is it merely needful, in order to the Vindication of his
Majesty's glorious Undertaking in coming into *Britain*, that they who were the In-
struments of our Slavery and Oppression under the former Government, should be
excluded from all share of the Administration under this; but it is also necessary
for reconciling the Love and Obedience of the People to his Majesty's Person
and Authority. Courtiers may fancy, that if one be able, he is qualify'd, with-
out other Ingredients, to be a Minister of State: But the most part of Mankind
ways look for some degrees of Honesty in those advanc'd to the chief Offices
of Government. Nor will People easily believe, that they who betray'd their
Rights and Privileges under one Reign, will ever administer Justice equally,
or defend them in their Properties, under another. Men may have present Ease;
they will be always in fear whilst they remain in the hands of their old Oppres-
sors. It is impossible to keep up, in the minds of the Vulgar, honourable Thoughts
of *William's* Government, if he will chuse to work with *King James's* Tools.
Whoever counsels his Majesty to employ those that were the Instruments of the
former Tyranny, must intend to bring him under a Suspicion, both of approving
and of designing the like. No man envieth his Majesty's pardoning the worst
of the Kingdom's Enemies; but we cannot avoid pitying him, and bewail-

*Which is
full of Le-
nity and Mo-
deration,
only to so-
cure them-
selves from
Ruin for
the future.*

*Employing
the late King's
Ministry
calls a Re-
flection on
the present
Reign.*

one of 'em
inverted
the
kindness of
the present
Government.

ing our selves, that he is persuaded to use them ; yea the Royal Forgiveness ought to confine it self to limits, and much more should a Prince set bounds to himself in the Honours and Preferments which he is pleas'd to bestow. Now having mention'd his Majesty's Grace, I'll venture to say, That after all the Mercy he hath exercis'd towards his own and his Peoples Enemies, there is not one either converted to his Interest by it, or that reckons himself oblig'd to him for it. But instead of attributing their Impunity to his Majesty's Grace, they ascribe it to the Pusillanimity of the Government ; and in the room of being brought over to serve him, they are embolden'd to go on in their Conspiracies against his Person and Dignity. Nor will they ever account themselves indebted to his Mercy, till he hath made some of them the Objects of his Justice. But to return to what I am upon ; should not such an easy Animadversion be inflict'd upon those who have oppress'd us, as the being shut out from Trusts and Employments in the Government, we should both tempt them and others to repeat the same Crimes upon the first Opportunity that is offer'd to them. Yea, if instead of falling under such a gentle Mortification, they should be prefer'd to the chief Places of Honour and Profit in the Kingdom, Villany will be committed in order to Merit ; and Men of brutal and profligate Principles, will seek to exceed in Unjustice and Treachery, that they may be thought to excel in Desert. And thro the Moderation, Goodness, Wisdom and Justice of their Majesties, we may escape the Consequences of such a Method during their Reign (which I pray God may be long) yet Posterity will lose most of the benefit of this Revolution, for want of adjudging those to Punishment that have been Traitors to Societies, and Cannibals to Mankind in this Age, whereby to deter others from being such in the next. The Counsel given to Princes by the Supreme Sovereign by whom they reign, is, that they should punish exorbitant Offenders, to instruct others to fear and forbear doing wickedly ; but the Advice thrust upon his Majesty by some ill Men about him, is, that he should cherish and advance them without regard to the Effects that may attend it.

Give the
World a
strange Idea
of our Go-
vernment.

What a strange Idea will it give the World of our Government, if the Rewards of Virtue be made the Recompences of Crimes ? And how shall we lift up our Faces to God or Men, if the Malefactors under the last Reign, not only escape under this without Chastisements, but inherit the Preferments and Emoluments of it ? If what I have said be not sufficient to justify both the Expediency and Equity of the foremention'd Vote, I hope the Experience the King hath had of that sort of People, since he receiv'd them into his particular Favour and principal Service, will reconcile him unto a better Opinion of it, and shew him the necessity of turning those out of Office whom his Parliament would have prevented his taking in.

His Majesty's
Affairs
betray'd by
the Tools
of the late
Reign.

Both the Nations are sensible of his Majesty's being betray'd, both in his Councils and in his Affairs ; and it is very easy to guess by whom it is done. For none so likely to undermine his Throne, as they who endeavour'd to hinder and obstruct his Ascending to it ; nor can any Men be Traitors to this King, but they who were the Instruments of the last King's Tyranny : The Clobber's Auls and Ends are unsuitable Furniture in the Painter's Shop. Neither will they ever serve this King with Faithfulness in his vindicating the Kingdoms into Liberty, who were the sworn Vassals to his Predecessor's Despotical Will, and his Tools for oppressing and enslaving the Nations. Besides the Damage they have brought upon the Nations, and the Treasure they have unprofitably wasted, they have been the occasion of losing his Majesty more Honour in one Year, than all his Foreign Campaigns ever did since he first commanded Armies, and presided in Councils. And should he be prevail'd upon by the Adulation and Artifice of any about him to trust the Conduct and Management of his Affairs in the same Hands for one other Year, it may be easily foretold, without consulting the Stars, that we shall not be in a Condition on the third to save either him or our selves. And as we have no distinct Interest from his Majesty, so all we desire is, that he would vigorously espouse and assert his own, upon which we shall both believe and proclaim our selves happy : For the Vipers durst not hiss but for the warmth they receive thro being lodg'd in his Bosom. But to conclude this Head, I am extremely mistaken, if they who have occasion'd and promoted the Quarrelling at the foremention'd Vote, do not find that they have consulted worse for themselves, than was design'd or intended by those whom they account for their Enemies. For this Parliament will undoubtedly, at their next Assembling, be so far from departing from what they have voted, that instead of acquiescing there, and being contented with the having the Betrayers of their Laws, the Oppressors and Murderers of the Lieges, and the Obstructors

Who should
not only be
debar'd, but
proceeded
capitally
against.

of

the King and Kingdoms Establishment, only debar'd and excluded from Places of Preferments, Profit and Trust in the Government; that they will be justly prov'd, and see it to be indispensibly necessary to impeach and proceed capitally against some of them. Their despising as well as refusing of Lenity, will derive upon them the Severities their Crimes at first deserv'd, but which that prudent, temperate and indulgent Senate were willing to have mitigated by exchange of them into milder. And as we are fully assur'd, that so wise and good a Prince as His Majesty, can never entertain either mean or distrustful Thoughts of a Parliament, that hath given him so many and eminent Testimonies of their Loyalty, which less be prevail'd upon to dissolve them, while the Nation is in so distress'd and unsettled a Condition; an armed Enemy in its Bowels, and the Ferment every where so high, that nothing can allay it but their being continu'd, and being allow'd to meet at the appointed day to which they are adjourn'd: so we are no less assur'd, that they who are said to be the Zealots in this Parliament, and to have the chief Conduct of, and the prevailing Sway in all Business and Affairs that come before it, can never miss being chosen into, nor have less Interest and Esteem in another. So long as Persons of Fortune, Quality and Interest continue to assert the Laws and Rights of their Country, and to pursue the joint Interest of the King and Kingdom; the Obloquies cast upon them by such as dread and dislike their Courage and Integrity, will only increase their Reputation, and oblige all those Senators and Members of Parliament, that are honest, to put the more value upon them. But to supersede all fear of this Parliament's being dissolv'd, without both assembling and dispatching Business, the King by a Law, to which the Royal Assent was given at the last Session, abridg'd himself of all Power in that Matter. For in the Act that passed the first of July, whereby Prelacy and the Superiority of any Office in the Church above Presbyters is abolish'd, it is declar'd, 'That the King and Queen's Majesties, with the Advice and Consent of the Estates of this Parliament, will settle by Law that Church-Government in the Kingdom, which is most agreeable to the Inclinations of the People. So that whosoever shall have the Audience to advise his Majesty to dissolve this Parliament, before there be by Law the Government erected in the Church, doth both tempt him to violate his Faith, and to trample upon one express Statute, to which himself hath given the Royal Assent.

The next contested Vote that we are to address our selves unto, and whereof we are to demonstrate the Legality, Reasonableness and Necessity, is that which relates unto the Privilege of the Estates of Parliament, of nominating and appointing Committees, of which I do here subjoin an authentick Copy. 'Forasmuch as the Meeting of the Estates of this Kingdom, did by their Vote of the 14th of April last, represent among other Grievances, That the Committee of Parliament call'd the Articles, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely chosen by the Estates, to prepare Motions and Overtures that are first tabled in the House: Therefore their Majesties, with the Advice and Consent of the Estates of Parliament, do Enact and Declare, That it is the undoubted Privilege of the three Estates of Parliament, to nominate and appoint Committees of Parliament of what number of Members they please, being equal of every Estate, and chosen by the respective Estates, viz. the Noblemen by the Estate of the Noblemen, the Barons by the Estate of the Barons, and the Boroughs by the Estate of the Boroughs, for preparing Motions and Overtures that are first made in the House; or that the House may treat, vote and conclude upon matters brought plain Parliament, without remitting them to any Committee, if they think fit: Or that the House may appoint Plurality of Committees for any Motions and Overtures that need to be prepar'd or digested for them: Declaring hereby, that no Officers of State are to be Members, except they be chosen. And hereby rescinds the first Act of the third Session of the first Parliament of King Charles the Second, and all other Laws and Customs, establishing the manner of Election, and Power of any Committees of Parliament, in so far as they are not conform to this Act.

It was sensible was the Meeting of the Estates, that the Committee of Articles was according to late Custom, Regulation and Practice, an intolerable Grievance to the Kingdom, and a high Inroad upon the Liberty and Jurisdiction of Parliament; that before the Disposal of the Crown to their present Majesties, they made

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of Committees of Par-
liament.

The Com-
mittee of
Articles
declar'd a
Grievance,
made

made their being reliev'd from it one of the Stipulations, and an Article of Contract, upon which their Majesties had the Crown conferred upon them, and upon which the People agreed to yield them Obedience and Subjection. For among several things which they covenanted as well as provided for the redressing of, when in the Name both of themselves, and of the whole People of Scotland whom they represented, they yielded up, and convey'd over the Crown of that Kingdom to *William and Mary*; this was the first Grievance that they mention'd, and made it a matter of Bargain and Compact, as well as of Petition and Desire, to be eas'd from it. The Words that were propos'd and read to their Majesties in the Banqueting-House, upon that Solemn Occasion of presenting Them with the Instrument of Government, are as follows: 'The Estates of the Kingdom of Scotland do represent, That the Committee of Parliament, call'd the *Articles*, is a great Grievance to the Nation; and that there ought to be no Committees of Parliament, but such as are freely chosen by the Estates to prepare Motions and Overtures that are first made in the House.

The Villany of those who persuade the Delay of Redressing the same.

What ill Men must they now be, that durst advise a Prince of that Honour, Veracity, and inviolable Faith, as his Majesty is universally known and acknowledged to be, to delay or clog the satisfying of his People in the foregoing particular? Seeing the mere procrastinating and adjourning the giving them Contentment in it, hath a visible and natural tendency, if possible, to the weakening their Power and Confidence both in his Truth and Goodness. It would appear, that some have a mind to make their Master seem Faithless, to justify their being truly such themselves: Or else they have a design to vindicate *K. James's* Breach of all Stipulations and Promises, by persuading King *William* to do the same. Or, which is extreme likely, they would by his present Majesty's departure from that seeming Compact, upon which he receiv'd the Crown, reflect Folly and Injustice upon the Parliament's deposing the late King, for his violating the Original Contract.

Committee of Articles what it originally was, and what it grew to by degrees.

But that we may discourse intelligibly of that Committee call'd the *Articles*, it will be needful to give some brief account both of what it originally was, and what by degrees it grew up, or rather degenerated into, till it became at last an insupportable Grievance to the Nation, and rendred Parliaments either wholly useless, or mere Instruments for pursuing and executing the King's Will. Now by what appeareth either from our History, Records, or Statute-Books, there was no such thing antiently as a Committee, or Lords of Articles, but every thing was as well originally mov'd as debated and concluded in full Parliament. For the first mention we meet with in our Records of Lords of the Articles, is in the Year 1466. under the Reign of *K. James the Third*; where we find, that upon the Convention of the Estates of Parliament, they not only chose so many from among themselves to be Judges in Civil and Criminal Causes, who are stil'd *Dominus ad querelas*, there being then no Judicial Court, save what the Parliament constituted from time to time out of their own Body: but that they also elected three Persons for the Clergy, three for the Barons, and three for the Burgeses, to consider of and prepare Matters fit and needful for the House to bring into debate, and to come to Votes and Resolutions about. By which it seems that this Committee of the Articles had no auspicious beginning, having its Rise under one of the worst of all our Kings, and who came to the most unhappy and unfortunate End. However there appears no such thing here, as that the Officers of State were to be supernumerary to those chosen by the Parliament; or that the King, either by himself, or by one representing him, chose any of them: but it is evident from the Record, that they were wholly and entirely elected by the States themselves in Parliament assembled. And tho the being an Officer of State was never esteem'd a ground disabling and incapacitating a Person from being a Member of the Committee of Articles; yet upon a perusal of the Records, I do not find that any Officers of State made a part of the Lords of the Articles until the year 1567. and their being then of that Number, was not *ratione Officii*, but by reason of the Parliament's having elected them into that Station. For whosoever consults the Records of Parliament of the years 1467, 1475, 1524, 1526, 1528, 1537, 1542, 1543. will find that the Officers of State were so far from being supernumerary in the Committees of the Articles, that they were not so much as elected into that Trust, nor had any room or place allow'd them there; tho it appears by the Records of all those Parliaments, that there were Members chosen by, and out of the respective Estates, sometimes in larger, and sometimes in lesser

Numbers to make up and constitute such Committees. Yea, I cannot but add, that our not meeting with any mention of the Lords of Articles of the Parliaments Assembled, and held 1469, 1471, 1474, 1481, 1483, 1488, 1489, 1491, 1503, 1515, 1522, 1535, 1540, 1546, 1551. is an undoubted Evidence, that the having Committees of the Articles was not a thing of indispensable Necessity; or to which Parliaments were legally oblig'd; but that it was a matter of arbitrary Pleasure, and that they were chosen or omitted, as the House thought be most useful and convenient for the management and dispatch of their Affairs. And tho it cannot be deny'd, but that after the year 1567. some of Officers of State were now and then thought worthy, by reason of their moral and intellectual Abilities, to be chosen among others for Lords of the Articles, as in the Parliaments held in the years 1581 and 1593. yet it is most evident, that they were not elected into that Committee by virtue and reason of their Offices, much less sat there as Supernumeraries to those chosen by the Estates; inasmuch as in other Parliaments, particularly in those held in the years 1587, 1592 and 1594. there is no intelligence, report or remembrance of them, in the Registers and Lists of those of whom the foremention'd Committees were made up and constituted. And that which puts it beyond all possibility of being controul'd (we either by ignorant, or by impudent and self-condemn'd Men) that no Officers of State had Right antiently to be of the Committee of Articles, unless previously chosen by the Estates of Parliament, is the 37th Act Parl. 11. of James the Sixth; where Provision being made by Law about the Number whereof that Committee should be constituted, it is, without the least mention or suggestion of those Officers of State, enacted and ordain'd, 'That the Number of the Lords of Articles be equal of each Estate, and that the fewest Number of every Estate be Six, and the greatest Number Ten. Yea, so far were those stil'd Lords of Articles, from having originally the sole Power of preparing Matters, and of bringing in Petitions and Overtures to be consider'd and debated in Parliament, exclusive of other Members of the House who were not of that Committee; that both at first, and for a long tract of time afterwards, they were not so much as a Committee of Articles of and to that Parliament by which they were chosen, and of which they were sitting and actual Members, but were only so in reference to the next Parliament that should succeed; against whose Meeting they were to prepare such things as they should judg to be most fit and expedient to be then taken into Consideration; but still with a Right as well as with a Liberty reserv'd to that future Parliament, not only to receive or reject what should be thus matured and offered unto them, but to admit whatsoever Overtures they pleas'd, that should be made by any of the Members of their own House. It was the antient Custom and Practice of Scotland, that the sitting Parliament, antecedently to its Dissolution and Separating, elected so many from among themselves, who were in the Interval between that and the next Parliament, to make inquiry into the Necessities of the Lieges, and into the State of the Kingdom; and accordingly to draw up and prepare such Overtures, as should carry that Relief and Remedy in them, which might give a Redress unto Grievances, be a means of preserving the Nation in Safety, and of promoting the Prosperity of the Subjects. Now from this handleless beginning of the Committee of Articles, it hath, thro the Usurpation of our Kings, especially after their Succession to the Crown of England, and the remove of their Royal Abode thither, and thro the officiousness of Publick Ministers to the Prince, and treachery to their Country, grown up at last to that Exorbitancy, that it is not only become burdenson, but intolerable. For by reason of the Parliament's coming at last to commit the Inspection into all Affairs, and preparing all Remedies unto Grievances, into a few hands, and those to be unchangeable during a whole Session, our late Monarchs obtain'd such a handle whereby they might inroach upon the Jurisdiction of Parliaments, and the Liberties of the People, that they soon improv'd it to the eluding of all the Good that the Kingdom was to expect from Parliaments, and to the making those who were design'd to be the means of our Safety, become the Instruments of our Ruin.

For the accomplishment whereof, and the more effectual rendring the Lords of Articles Vassals unto the Monarch's Will, and Tools for executing his Pleasure, the first prevail'd to have the Officers of State admitted into that Committee as Supernumeraries, and that without being Nominated and Elected by the Estates of Parliament, they should have a Right to sit there *ratione Officii*, by virtue of the Assignments they held in the Government: For King James the Sixth, being by

the Adulation of the English Bishops, brought intirely over to their Interest, as well as to their Opinions about Church-Discipline and Worship, and having a mind in requital to the Church of *Scotland*, for all the Kindness they had express'd to him both in his Infancy and riper Years, to obtrude upon them the English Ceremonies, he did in order to the more easy effectuating of it, flatter, cajole, and bribe, as well as huff and awe the Parliament *Anno 1621.* to allow the Officers of State to sit as Supernumeraries, without being chosen in the Committee of Articles. And thus he forc'd those Innovations, commonly known by the Name of the *Five Articles of Perth*, upon the poor Church of *Scotland*, having by those Supernumerary Officers, not only so moulded the Committee of Articles as to pass and present them, but thereby laid the Foundation of their being ordain'd and enacted in the House.

And to make the Lords of Articles yet more grievous and intolerable, *K. Charles the First* (whose Invasions upon the Rights and Liberties of his People, prov'd Fatal both to him and them) overthrew the antient Method of their Elections, and brought the choice of them into such a Channel, as could issue in no less than Tyranny in the Sovereign, and Slavery in the Subjects: For whereas by Law and Custom, the Lords were to chuse the Lords, and the Barons to chuse the Barons, &c.

*K. Ch. I.
alter'd the
Method of
Electing
the Lords of
Articles.*

Charles the First did in his Parliament held *Anno 1633.* when he was in the height of his Greatness, change and innovate this Method; and having divested the whole respective Estates of chusing severally their respective Commissioners, he assum'd a Power to himself, with a Right of consigning it over to his Commissioner in Parliament, for chusing Eight Bishops; consigning to the said Eight Bishops, a Power of chusing Eight Noblemen, and restraining to the said Eight Noblemen, together with the aforesaid Eight Bishops, a Power of chusing Eight Barons, and Eight Burgeses; and that these in conjunction with the Officers of State as Supernumeraries, should be the whole and sole Lords of Articles, exclusive of all others. Finally, To render that Committee yet more insupportable, the sole Right as well as Liberty of bringing in Motions, of making Overtures for redressing Wrongs, and of proposing Means and Expedients, either for the Relief or the Safety and Benefit of the Subject, is intirely restrain'd unto, and lodg'd wholly in this Committee: Neither is it by our late Practice lawful for any Member or Members, that are not of that packt Club and Society, to make the least Proposal or Motion, either for the repealing of an ill Law, or for the enacting of a Good. So that I would now hope, that the mere representing of this Committee of Articles, as it is now transform'd and degenerated from what it formerly was, is enough to justify the Vote of the present Parliament, about the having that Grievance redressed, and to vindicate them from the Obloquy they have lain under, for insisting upon having Parliaments loosed from those Fetters: For where is the Liberty of Speech, and Voting, essential to a Legislative Body, if Parliaments must be thus muzzled? How is a Kingdom eluded out of all the Good that they expect from any Parliament, if their Representatives may neither lay open their Sores, nor offer Plaisters in order to their Cure? How miserably would things have proceeded in the late Meeting of Estates, if nothing was to have been before them but what a Committee, where Eight Scotch Bishops were to have the Electing of Eight Noblemen, and they together the chusing of the rest, with King *James* his Officers of State Supernumerary, that should have prepar'd Overtures for that Great and Illustrious Assembly? I dare say, That the being bound up to such a Method, would have more effectually secur'd the Throne to King *James*, than all the Swords of his Partizans. Nor can Parliaments be design'd for any thing, under such a Constitution of a constant Committee, with the Officers of State Supernumerary, but to enlarge the Prerogative of the Crown, and to levy Mony from the People. But, blessed be God, his Majesty wants not Inclination to deliver his People from this, and from all other Grievances, but only wants Persons about him to set them in that Light that he may discern them. Therefore we complain not of his Majesty for the delaying the Satisfaction that his People waited for; but we complain of those ill Men who told him, That to part with the Lords of the Articles, was to throw away the brightest Jewel of his Crown. Whereas it appears from what hath been said, that there is nothing desir'd, whereby his Majesty's Legal Prerogative can be diminish'd and lessen'd; but that all which is humbly crav'd, is the redeeming his Parliament and People from an ignominious and burdensom Yoke, and their being reliev'd from the Invasion and Usurpations made upon their Laws and Customs, by the Craft and Violence of some of their Monarchs.

Nay,

Jay, the very contending for the continuing the Officers of State as Supernumerary in their Committees, without the being Elected to them by the Estates in Parliament, is both an Aspersion upon the Wisdom of the Parliament, as if they new not how to pay the Respect and Deference due to those Officers till compell'd into it; and a Reflection upon their Loyalty, as if no Persons could be tender or regardful of his Majesty's Interest among the Committees of Parliament, unless receiv'd into the King's immediate Service, and brought under the Influence of honours and Emoluments. But whosoever suggests this unto the King, must be one that is accusom'd to draw other Mens Pictures by his own Original; and who y acting in all things himself as a Mercenary, strives to represent the rest of Mankind, as equally Base and Villanous. Nor can that Advice insinuated into his Majesty, of having the Officers of State Supernumerary in the Committees of Parliament, be supported by any Reason, but what borders upon Treason; which is the King's having and being oblig'd to pursue a separate Interest from that of his people. And as nothing would more universally lose his Majesty the Hearts of his people, than the being wrought into a belief of it; so whatsoever is likely to tempt them into such a Persuasion, is at all times, but especially at this, to be industriously avoided by the King.

The only thing remaining, wherein his Majesty's Parliament of Scotland seems to be misunderstood by him, is their Vote concerning the Nomination of the ordinary Lords of the Session, and the Election of the President. For that which they propose, both as requir'd by, and agreeable to their Laws, and as necessary in order to an equal Administration of Justice, is, That the ordinary Lords being in a total Vacation nominated by the King, they are to be try'd, and admitted or rejected by Parliament; and that in a particular Vacation being likewise nominated by the King, they are to be try'd, and admitted or rejected by the other Lords of Session; and that both Cases the President be chosen by the Lords of Session themselves. Now this being the great Matter wherein his Parliament is represented to him, as endeavouring to encroach upon, and subvert his Royal Prerogative; and it being the Particular, in reference to which he has been prevail'd upon to exert an Authority to that height and degree, that there seems no room left for any Expedient, but that either the Parliament must depart from their Vote, or his Majesty part with those, who thro abusing his Goodness have misled him into an exercise of Royal Power which the Laws do not justify: It will be absolutely needful, that the Reader, in order to form a right and impartial Judgment of this perplex'd and intangled Affair, be made acquainted with the Vote it self, as well as inform'd of what is to be said in the vindication of it. The Words therefore of the Vote are as follows:

' The King and Queen's Majesties considering, That by the Laws of the Kingdom, when the place of an ordinary Lord of the Session doth vacate, it is to be supply'd by the King's Nomination of a fit and qualify'd Person for the said Office, and presenting him to the rest of the Lords to be try'd, and admitted or rejected by them; and that there is now a total Vacancy of the Lords of the Session, by the happy Change, thro the Blessing of God, now brought about, so that there can be no such Trial by the Lords; and that when such total Vacancies have fallen out, the Lords were either nominated by King and Parliament jointly; or if they were nominated by the King, the Nomination was approv'd, and the Lords so nominated were admitted by the Parliament: Therefore their Majesties do declare, That they will nominate fit and qualify'd Persons to the said Offices, and present them to the Parliament to be try'd and admitted or rejected by them: Like as their Majesties, with the Advice and Consent of the Estates in Parliament, Statute and Ordain, That in all time hereafter, when any such total Vacancy shall occur, the Nomination of the Lords of the Session shall be by the King or Queen for the time being; and in case of their Minority by their Regent, they nominating fit and qualify'd Persons to the said Offices, and presenting them to the Parliament to be try'd, and admitted or rejected in manner aforesaid. Like as their Majesties, with the Advice and Consent aforesaid, ratify and approve the 93d Act of the Sixth Parliament of King James the Sixth, anent the Admission of the ordinary Lords of Session, and Reformation of certain Abuses therein; and the 132d Act of the Twelfth Parliament of King James the Sixth anent the Jurisdiction, Presentation, Qualities and Age of the Lords of the Session, in the whole Heads, Clauses and Articles thereof, and particularly the Clause contain'd in the said two Acts, declaring that in all times thereafter, when any Place should be vacant in the

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Session, that his Majesty should nominate and present thereunto a Man fearing God, of good Literature, Practick Judgment and Understanding in the Laws, of good Fame, having sufficient Living of his own, worth twenty Chalders of Victual of yearly Rent, and who can make good Expedition and Dispatch in matters touching the Lieges of the Realm; and likewise that Clause contain'd in the 93d Act of the Sixth Parliament of King *James* the Sixth, declaring that the President of the College of Justice shall be elected by the whole Senate thereof, being a Man of the Conditions and Qualities above-written; for chusing and electing of whom the King's Majesty and Estates dispense with that first part of the Institution of the College of Justice anent the Election of the President, declaring that in case of the absence of the Chancellor and President for the time, it shall be lawful for the Lords to chuse and elect any one of their own number, whom they think qualify'd and worthiest, who shall be call'd Vice-President for using of the said Office, ay and while the Return of the said Chancellor and President. Like as their Majesties, with Advice and Consent aforesaid, Statute and Ordain, that the whole Qualifications above-mention'd, be duly observ'd in the Admission of the Lords of the Session, in all time coming, and that as well in the case of a total, as of a single Vacancy. This being the Vote so declaim'd against, and in Contempt whereof, and in Opposition whereunto, some Persons having surreptitiously and fraudulently obtain'd Warrant, Countenance and Authority from the King, are so vent'rous as to dare to act: We shall, both with all the Loyalty and Modesty that becomes a Subject, and an honest Man, and yet with that Freedom and Plainness, which one who hath no other Design, save to serve God, his King, and his Country, with Uprightness and Integrity, should value himself upon, endeavour to vindicate the Wisdom, as well as the Justice of the Parliament in the foremention'd Vote.

Civil Justice how at first administer'd in Scotland.

In the performing whereof, with all that Exactness which Brevity will allow, I shall begin with an account of the first Administration of Civil Justice in the Kingdom of *Scotland* that we meet with in our Records. For the College of Justice consisting of those call'd the Lords of the Session, not having been institute till the Reign of King *James* the Fifth, Anno 1537. the Administration of Justice was before that time, not only ambulatory and itinerant, but was discharg'd and executed by such Members of Parliament as the Estates of the Kingdom, in their several Sessions, elected from among themselves, and authoriz'd thereunto. Nor had they only their whole Authority from the Estates in Parliament, but to speak properly, they were Committees of Parliament authoriz'd to such a Work and Office, and accountable to Parliaments for the Discharge of the Trust committed unto them: for the *Domini electi ad causas*, whom we so often meet with in the Records of Parliament, particularly in those of the Years 1524, 1526, 1528, were such Members as every respective Parliament elected from within their own Walls, for the Administration of Justice between the King and his Lieges, and between one Subject and another. From whence it appears, that it not only appertain'd unto the Parliament to see that Justice was duly administered, but that the Right was originally in them of nominating and ordaining the Administrators of it. Which makes it very improbable, that after their having been possess'd of such a Right, Authority and Jurisdiction for so long time, they should so wholly part from, and intirely surrender it, as upon no Occasion or Emergency whatsoever to leave unto themselves a share, or reserve a concern in it.

Lords of the Session were antiently but Committees of Parliament.

Let us add to this, That when the College of Justice came to be instituted, Anno 1537. Parl. 5 King *James* the 5th, Act 36. tho it was establish'd and ordain'd by the Legislative Authority of the King and Estates jointly, and not by an exertion of mere Royal Prerogative, yet the Estates in Parliament then assembl'd, both took upon them, and were allow'd the Nomination and Choice of the President, as well as of all that were then call'd forth and advanc'd to be Lords of the Session, or College of Justice, as appears by the 39th and 41st Acts of the afore-mention'd Parliament. Yea it is further evident from the Records of Parliament, that the Estates of the Kingdom did often in succeeding Parliaments nominate, choose and empower those very Lords that were actually of the Session, to continue in the Administration of Justice; which sheweth beyond all rational Contradiction, that they could much less enter upon the Office at first, without their being chosen and approv'd by the Estates in Parliament. Thus Anno 1542. being the first of *Mary*, we find the President with the rest of the Lords of Session chosen and empower'd anew, as *Auditores ad causas*, for the hearing and deciding Civil and Criminal Causes. And again we find the Parliament of the Second of

Mary,

ary, Anno 1543. not only ratifying by the Legislative Authority of the Queen
 Estates, the Institution of the College of Justice, but we find the Estates alone
 minating and choosing *ad causas*, the President *cum ceteris Dominis Sessionis &*
legis Justitie. But forasmuch as there was a Change given afterwards by Laws to
 s Course and Method, and a new Regulation ordain'd by subsequent Statutes of
 : College of Justice, wherein both the Qualifications of those that are to be
 sen Lords of the Session, and the manner of their Approbation are requir'd and
 ointed: We are therefore oblig'd in the next place to look into those Laws,
 l to examine whether they detract from the Prudence, and weaken the Justice of
 Parliament, in their fore-mention'd Vote; or whether they not only counte-
 nance and support, but justify and vindicate them. And we'll begin with the
 d Act 6 Parl. James 6. where it being acknowledg'd, That the Nomination
 the Lords of the Session belongeth unto the King, and that he ought to name
 has have the Qualifications there requir'd, which are already specify'd in the
 resaid Vote; it is further added, ' That in all time coming, when an ordinary
 lace becomes vacant in the Session, the Person nominated thereunto by the King,
 all be sufficiently try'd and examin'd by a sufficient number of the Ordinary
 ords of the College of Justice, for whom it shall be lawful to refuse the Per-
 son presented unto them; and that the King in that case shall present another,
 id that so often until the Person presented be found qualify'd. But seeing this
 may be said to have passed in the Minority of King James, and the Force of it
 hereupon endeavour'd to be eluded, we will therefore consult Act 134. Parl. 12.
 es 6. wherein, besides a Repetition and a Confirmation of all that is mention'd
 ordain'd in the former Act, there is further added, ' That none shall be re-
 iv'd to any place of Senator in the College of Justice, unless he be sufficiently
 y'd by the whole College of Justice. Now as these are the Laws relating unto,
 regulating the Nomination, Examination and Approbation of the Ordinary
 ds of the College of Justice, the Practice hath been in all times conformable
 unto. So that the first Parliament of King Charles the Second, which, thro
 prevailing of the like Folly and Madnes in Scotland which then reign'd in
 land, rob'd the Kingdom of many of its Rights and Privileges, to increase and
 ge the Prerogative of the Crown; yet they were so tender of making any
 vations in this particular, that by their Second Act of that Parliament they
 ain, ' The Nomination of the Lords of Session to remain as in former times,
 ceding the Year 1637. And accordingly we find, as there have been sever-
 who upon single Vacancies in former Reigns had been rejected by the Lords
 ie College of Justice, tho nominated by our Kings: So there was one Sir Wil-
 Ballanden, whom Charles the Second had nominat'd and recommended, who
 Examination by the rest of the Lords was refus'd and rejected, as a Person
 qualify'd according to the Statutes of the Realm. Is it not therefore unrea-
 sonable to be imagin'd, That the King, who upon a single Vacancy cannot consti-
 tute one Judg, till he be examin'd and approv'd, should nevertheless be esteem'd
 wer'd to constitute the whole Bench of the College of Justice, without a
 ous Examination and Approbation? How improvident were our Parliaments,
 ow weak and ridiculous are our Laws, if all that is provided for, be only the
 nining the King from making one Judg that is unqualify'd, and at the same
 o allow him a Power of making fifteen who are unqualify'd, for such they are
 esteem'd, till they have been try'd and approv'd? There can be nothing
 unquestionable, than that they who are nominated by the King to be Judges,
 , according to the Laws of Scotland, to be try'd and approv'd before they be
 ted or authoriz'd to sit and act: and therefore there being, upon a total
 Vac cy, no Lords of the College of Justice to try, examine and approve those
 who the King hath nominated and recommended, it would seem to be uncontrou-
 lably by all Persons pretending to Reason, and acquainted with our Laws and
 Customs, That the Right of Examining, and of Admitting or Rejecting them,
 to be devolv'd upon the Parliament; which is the whole that is desir'd in
 remention'd Vote. Nor is there any Mean, but that they either must ascend
 the Bench without undergoing a Trial, or receiving an Approbation, which
 is only to affront the Laws; or else the Power and Right of Approving,
 and Accepting, or Rejecting, must be acknowledg'd to reside in the Estates of
 Parliament. Nor was this ever denied them in the case of a total Vacancy under
 the first of the foregoing Reigns. Which makes it the more doleful as well as
 g, that thro the Subornation, and crafty but false Insinuations of evil
 Men here should be an endeavour of wresting it from them under the Reign of so

How they
were after-
wards re-
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If the King
cannot con-
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Session
must be in
the Parlia-
ment.

gracious

gracious and temperate a Prince, whom they with so much Affection and Zeal call'd and invited to the Throne; not only in Gratitude for his having deliver'd them from Popery, but out of a Hope and Prospect of his relieving them from all their other Grievances. It hath been already prov'd beyond the possibility of a Reply, That the first Institution of the College of Justice, and the Nomination as well as Approbation of those that were then advanc'd to be Lords of Session, was by the Estates assembl'd in Parliament.

Upon a total Vacancy the Parliament was allow'd it.

And I do now further affirm, That in the two total Vacancies, which are all that have since occur'd, besides this that has now fallen out on the late happy Revolution, the Estates in Parliament were indisputably allow'd the Right of Admitting or Rejecting those of whom the College of Justice was to be freshly constituted; for upon the total Vacancy in the year 1641, which was the first that had been from the Institution of the Lords of the Session, the Parliament not only challeng'd the Approving, but took upon them the joint Nomination with the King, of all the Persons to be admitted into, and created Members of the College of Justice. But this Example and Precedent I will not insist upon, seeing there was something unjust and illegal in it, as well as something just and legal. For not being satisfy'd with the Right of Admitting, to which Law and Reason gave them an unquestionable Title, they usurp'd on the Crown, and took upon them the Power of Nominating, which had been granted by former Laws to the King. Let us therefore see what was done on that other total Vacancy, which occur'd at the Restoration of Charles II. when nothing would have been departed from by the King, that he could have withheld without the highest Injustice; nor any thing either claim'd or accepted by the Parliament that they could have sacrific'd or surrendered, without becoming obnoxious to imminent Dangers: and yet even then the King having nominated those whom he design'd for the Lords of Session, the Approbation of them was submitted unto the Parliament; and the Estates having in full parliament consider'd them, they admitted and receiv'd them. It is true, the Parliament did not bring them single before them, and there try and examine them, not because they might not have done it, but because there was no need of it, being all of them of that Eminency, as to be universally and notoriously known to have all the Qualifications requir'd by the Statute. Yea tho' that Parliament was abundantly officious to the Crown, and Loyal to that excess to the King, as to be Disloyal to their Country, and unfaithful to their Constituents; yet in the Second Act of their first Session, by which they restore to the King what had been wrested from him in the Parliament 1641, they allow him no more in reference to the Lords of the College of Justice, but the Right of Nomination as the Crown had enjoy'd it, preceding the Year 1637.

Tho' there are now nominated Lords of the Session who were before, yet the Parliament must approve 'em, and why.

But I hear there are some, who finding his Majesty unalterably resolv'd not to depart from the known and just Laws of the Land in the governing of his People, have therefore, to elude the Force of what hath been here represented, and to divert his Majesty from hearkning to the humble Desires of his Parliament in this matter, been guilty of the Treachery as well as the Impudence to suggest unto his Majesty, That there is not now a total Vacancy, there being of the fifteen nominated by his Majesty for Lords of the Session, three that were antecedently such; and that it belongeth unto them Three to try and approve the others; and that what the Parliament pretends unto, being only in the case of a total Vacancy, is here wholly superseded; and that for any to insist upon it, is an Incroachment upon the Prerogative of the King, and a robbing of the Lords of the Session of a Privilege vested in them by Law. Now tho' all that is here insinuated, be rather the offering an Affront to our Understandings, than the accosting us with a reasonable Objection; yet we will so far condescend to the Weakness of those that are ignorant of the Laws and Customs of Scotland, as to return such a Reply unto it, which may not only convince all Mankind of the Impertinency of it, but expose those that are the Authors of it, to be either loathed as ill Men, or ridicul'd as silly.

Because Three are not a Quorum of 'em.

For First, Supposing that S —, N —, and M —, who are all that can be refer'd unto in the pretended Objection, did still remain Lords of the College of Justice, by reason of their having formerly been so: Yet they are too few to constitute a Session, which they ought to be, before they take upon them to try and approve such as are recommended unto them by the King's Nomination. The Quorum of which a Session ought to consist, before it can exercise any legal Authority, should be Nine, which I think no Arithmetick will make Three to be. Nor will my Lord S —, and his Son Sir J. D —, find that Success in their Attempts against the first and self-evident Principles of natural Sciences, and of the

Mathematicks, that they have had in undermining and subverting the Laws their Country.

Secondly, For any Person nam'd by the King, in order to the being receiv'd as Lord of the Session, to be examin'd and approv'd by Three, tho granted to be actual and sitting Lords of the College of Justice, is expressly repugnant to an Act of Session it self, confirm'd by the King's Letter, Anno 1674. it being provided that Act, That when any new Lords of Session shall be presented by his Majesty Trial of their Qualifications, they shall be present one day in the Outer use, where they are to inspect a Process that shall be carry'd to Interloquitor, and thence make Report of all the Points therein contain'd, to the whole Lords Session; and then for compleating their Trial, shall sit another day in the Inner use; and after the bringing the Dispute of some point of Law to a Period, shall give their Opinion about it in presence of all those Lords of which that House then consist. Now as this Order and Rule is appointed to be observ'd constantly in all time coming, about the Trial of Lords nominated by the King, and be admitted, and hath been accordingly observ'd and practis'd ever since, till the last Vacancy; so it is evident to all who have not renounc'd common sense, that Regulation, Order and Method of Trial, prescrib'd by the foregoing Act, is altogether impracticable, where the Lords that are to be Triers and Examinants to be Three.

But then, Thirdly, it is the most absurd thing imaginable to fancy, That because three of the Lords, now nominated by the King, were heretofore Lords of Session, that therefore there hath not been a total Vacancy upon this late and happy Revolution. I am sure that in the parallel Case, Anno 1661. the Parliament in Preface to the Statute, by which they admitted those to be Lords of the Session whom the King had then nam'd, call it a new and intire Nomination, which they neither could nor would have done, if they had not judg'd the Vacancy to be total; and yet three of the Lords then nominated by Charles the Second, H — C — and L — had been Lords of Session, and had sat in the College of Justice before that Nomination.

Fourthly, If S — N — and M —'s having been once Lords of Session be enough to hinder the late Vacation of the Session from being total; then I challenge all the World to tell me what can either make a single, or a total Vacancy: if those Gentlemens Places were not voided after what had befallen them, the placing others for several years in their room, I do much question whether Death can make their Places vacant, and whether they may not be as well said main Lords of the Session, when they are rotting in their Graves, as to have nam'd so in the State they were, before his Majesty's late Nomination of them. As they all had their Commissions during Pleasure, so S —'s and N —'s recall'd and reassum'd by King Charles, of whom they had receiv'd them. I take it for an undoubted Maxim, that he who hath Power and Authority to take and giveth not during Life, may, by the same Authority, take away at Pleasure what he hath given. And as for M —, who had his Commission from James, if his Place be not rendred vacant by his Master's having forefaulted the Crown, nothing will or can render it so.

Fifthly, If these Gentlemens having been heretofore Lords of the College of Justice, hindreth the late Vacancy from being accounted total; then his Majesty's naming them afresh, was not only superfluous in it self, but an Injury unto them. For it was the bringing them to hold that by a new Title, which they had before, and ought to have been accounted possess'd of by an antient Right. Therefore they oblig'd for their Places to his Majesty's Grace and Bounty, but to his Majesty's naming them again superfluous, if there was not a total Vacancy.

Sixthly, The very Form of the Presentation by which their Nomination is signified, shews that the Vacancy was taken to be total. For it being the constant Form in all single Vacancies, that the Name of the Person succeeded unto, as well as who is to succeed, be equally express'd in the Presentation; and there being the same Form, but the contrary observ'd in these Gentlemens Case, it is an Argument that his Majesty took the Vacancy to be total, whatsoever his President, Secretary and Advocate do.

Seventhly, In all Cases where the Vacancy is not universal, the Presentation of the Person nam'd by the King is directed to the College of Justice, or the actual Lords of Session, and so our Laws ordain and provide it should be. But the Presentation is now nam'd to be receiv'd and advanc'd unto the Administration of Justice,

Whether
the sole
Choice and
Appoint-
ment of
them
was given
the King
by Act 11.
Parl. 1.
K. Ch. 2.

or at least of most of them, was directed to the Earl of C — who never was a Lord of the Session, nor yet is : Which is an Evidence, that the holding the late Vacancy not to have been total, was not an Opinion they were led into by Truth, but by Necessity, and that they have only espous'd it to justify what hath been illegally done. It is yet further alledg'd by these cunning Men, that have first endeavour'd to mislead his Majesty, and now seek by what Pretences they may best defend that which they have done; that tho, by the antient Laws, the King was only trusted with the nomination of the Lords of the Session, and the Trial and Approbation of them was lodg'd elsewhere; yet that by *Act 11. Parl. 1. Charles the Second*, the sole Choice and Appointment of the Lords of the College of Justice is given unto and settled upon the King. And surely they who make the Exception must be Men either of very weak Understandings, or of very bad Consciences; and they must think they have to do with a very credulous sort of People, whom they may bubble into the Belief of any thing, tho never so false and unreasonable, otherwise they would never talk at so ridiculous and impertinent a rate.

For, 1st. there is nothing granted unto the Crown by that Act, but what was its antient and undoubted Right; instead of settling any new Prerogative upon the King, the Parliament does only there declare what was antiently the inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of that Kingdom: Which I am sure that the trying, approving, and accepting or rejecting those nominated for Lords of Session never was, that having been by so many preceding Acts of Parliament, which we have mention'd, settled and vested in other hands.

2^{ly}. Whatsoever can be suppos'd to be granted unto the Crown by *Act 11. Parl. 1. Charles the Second*, it doth as much affect a single Vacancy as a total; the words being, 'That it is an inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of Scotland, to have the sole choice of the Lords of Session. Which can import no more, save that they have the sole Nomination of them, but not the Trial of their Qualifications; seeing all along since, both in that Reign, and in the next that ensu'd, the Examination, and Acceptance or Refusal of those that were recommended by the two last Kings upon emergent Vacancies to be Lords of the College of Justice, were always certify'd to the actual and sitting Lords of Session, to be by them try'd, and admitted or rejected, as they should see cause.

3^{ly}. What the Gentlemen who make this Exception would give the Crown with one hand, they take away with the other: For while they would preclude the Parliament from taking notice of the Qualifications of those, who, upon a total Vacancy, are nominated by the King, under a pretence that the sole Choice of the Lords of Session is by the foremention'd Statute declar'd to be an inherent Privilege of the Crown; they at the same time seek to skreen and vindicate themselves from the Violation of the other Laws that prescribe the Method of trying and approving those who are nominated now by his Majesty for Lords of the College of Justice, by alledging, that S — N — and M — are both in a capacity thro having been formerly Judges, and are commissioned to try and approve them.

The said
Act is only
narratory,
and not
statutory.

4^{ly}. All that some apprehend to be contain'd in the 11 *Act Parl. 1. Charles the Second*, is wholly narratory, and no part of it statutory, at least so far as our Concernment lies in it, and as we are therein refer'd unto other Acts for the knowledge of what is statuted and ordain'd: So upon our application unto, and consulting of *Act 2. Parl. 1. Charles the Second*, all we find there enacted is, 'That it is an inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the King, to have the sole Choice and Appointment of the Officers of State and Privy Counsellors, but that he hath only the Nomination of the Lords of Session, as in former times preceding the year 1637. And what that was we have already shew'd, and do find it to be so far from interfering with, or derogating from what the Parliament doth now insist upon and demand, that it both warrants and justifieth it.

I may, 5^{ly}, subjoin, That upon supposition that the *Act 11. Parl. 1. Charles the Second* were statutory, which it no ways is; yet there is a later Act pass'd in the said first Parliament of King Charles the Second, tho unprinted, yet upon Record in our Registers of Parliament, and which was purposely made for the Regulation of the College of Justice, and about the Admission of the Lords of Session, as the very Title and Rubrick bears; wherein all that we find enacted is, That the King instead of having the sole Choice of the Lords of Session, shall only have the Nomination

ation of them, as the Crown stood possess'd of it in times before the Year 17. and that their Admission, in all times to come, shall be according to the Acts and Acts which were in being before the Year which we have already mention'd. So that fancy what they will beyond this, granted unto the King by Act yet it is all withdrawn, and reassum'd from him by this later Act of April 5th.

All that now remains to be further added on this Subject, so far as concerns the controversial part, is to inquire whether the King hath at all times the sole Power of Right of chusing and appointing the President of the Session? And we presume, with all humility, to say, that by the Laws of the Kingdom, and according to ancient Practice and Custom, he hath it not, nor can he legally lay Claim unto it; by Act 93. Parl. 6. James 6. Anno 1579. it is statuted and ordain'd, 'That the President of the College of Justice shall be always chosen by the whole Senators of the said College. Which Statute is confirm'd by Act 134. Parl. 12. James 6. wherein it is expressly declar'd, 'That the King, with Advice of the Estates, doth ratify and approve all the Acts made either by his Majesty's Predecessors, or by his Highness himself before, upon the Institution of the College of Justice, and the Reformation of the Abuses thereof. Nor can it be deny'd, but appointing that the President should be chosen by the whole Senators, was declar'd as the Reformation of an Abuse in the College of Justice; which either had been provided against, and obviated in the first Institution of the Session, or it had crept in afterwards. And as this was the Law about the Election of the President, so the Practice was always conformable thereunto, until that my Lord came to be constituted President by King Charles the Second, and was ill-obtruded upon the Lords of Session, without the being either chosen or appointed by them. For from the time of making the Act until then, there was not that had ever sat President, but who had been chosen by the Lords of the College of Justice, except Sir John G——, who upon being nominated and recommended by the King in the Case of the total Vacancy, Anno 1661. was approv'd and confirm'd by the Estates in Parliament. But for the Lord P——, the Lord C——, the Lord S——, Sir Robert S——, and the Lord D——, who were not had been Presidents from 1579. until 1661. they were every one of them nominated and admitted by the Lords of Session. Nor is it unworthy of Remark, that the Lords of Session, upon every Election they made of a President, declar'd that they did it in conformity unto, and in pursuance of the Act of Parliament. And King Charles's departing from the Law in this particular, was one of the first steps towards Arbitrary Power, so it was both in order to farther Inroads upon our Laws and Rights, and prepar'd the way for most of the Tyranny that he us'd afterwards. And as S—— assuming the Office of President, upon the ill-choice of the abovemention'd King, was both an affronting and betraying of his own Laws of the Kingdom; so his whole Behaviour in that Station was of a loose and complexion with his entring upon it, being a continu'd Series of Oppression and Treachery to his Country. For besides that all his Verdicts between Lord and Subject were more ambiguous than the Delphick Oracles, and the occasion of the Commencement of innumerable Suits in place of the determining of what he was the principal Minister of all Lord's Arbitrariness, and of King's Usurpations: Nor was there a Rapine or Murder committed in the Kingdom under the countenance of Royal Authority, but what he was either the Author, the Assister in, or ready to justify. And from his having been a Military Commander, for asserting and vindicating the Laws, Rights and Liberties of the Kingdom against the little pretended Invasions of Charles I. he came to overthrow the Empire upon them all in the quality of a Civil Officer under Charles II. Nor was there a Man in the whole Kingdom of Scotland, who hath been more accessory to Robberies and Spoils, and who is more stain'd and dy'd in the bloody Measures of the Times, than this Lord S——, who his Majesty hath been impos'd upon to constitute again President of the College of Justice. And as an aggravation of his Crimes, he hath perpetrated them under the Veil of Religion, and by the Authority of Law; which is the bringing the holy and righteous God to be an Authoriz'd Approver of his Villanies, and the making the Shield of our Protection the Sword of our Ruin. But there being some hopes that the World will be furnish'd with the History of his Life, I shall say no more of him, but shall leave him unto the Expectation and Dread of what the famous Mr. Robert D—— would befall him in his Person and Family, and of which having tasted the

Whether the King has at all times the Right of appointing the President of the Session.

The President was always chose by the Lords of the College of Justice.

Ed S—— a Character of him.

first Fruits in so many astonishing Instances, he may the more assuredly reckon upon the full Harvest of it. And the Method he hath lately begun to steer is the most likely way imaginable to hasten upon him and his, what that holy, and, I might say, prophetic Man denounc'd against them. For whereas the Nation would have been willing upon his mere withdrawing from Business, and not provoking their Justice by crouding into the Place in which he had so heinously offended, to have left him to stand or fall at the great Tribunal, and to have indemnify'd him as to Life, Honour and Fortune here, upon the consideration of his having co-operated in the late Revolution, and of his having attended upon his Majesty in his coming over to rescue and deliver the Kingdoms from Popery and Slavery; he seems resolv'd to hasten his own Fate, and thro' putting himself by new Crimes out of the Capacity of Mercy, to force the Estates of the Kingdom to a punishing of him, both for them and for the old. But to return to what we are upon, about the Right of Electing a President of the College of Justice: It is expected to what hath been said, in proof that the Power is by Law in the Lords of Session to choose their own President, that Sir John G—— was, upon K. Charles the Second's Nomination, approv'd and confirm'd in Parliament, Anno 1661. which was a divesting of the Lords of Session of it, and a virtual rescinding all the Laws, by which that Power had been settled upon them: To which I have several things to reply, that will discover both the Impertinency of the Objection, and the Treachery of those who have insinuated it to the King.

Obj. Sir J. G. being approv'd by Parliam. for President of the Council, divested the Lords of Session of that Power.

First, It is acknowledg'd in the very Exception, that the sole Choice of Sir John G—— as President, was not in King Charles, seeing the Parliament had the approving, allowing and admitting of him, which makes that Case differ very much from the present; in which the choosing of the President is not only taken away from the Lords of the Session, but the approving and admitting of him is deny'd to the Estates of the Nation in Parliament assembled.

This of Sir J. G. was not a repealing, but only dispensing with the Laws in an extraordinary Case.

Secondly, What was done in ordaining Sir John G—— President, was not a repealing of the Laws, by which the choosing of the President is vested in the Lords of the Session, but was at most only a dispensing with them in that extraordinary Case of a total Vacancy, and in reference unto a Person of a most unspotted Integrity, and unparalleled Knowledge in the Laws. Nor will any Man, pretending to acquaintance with Parliamentary Customs and Proceedings, reckon that a Law is therefore rescinded and abrogated, because the Parliament hath seen reason to supersede it in a single Instance, and in a particular Case. Laws once enacted and establish'd are never accounted to be abrogated, unless by particular future Laws formally repealing them, or by posterior general Statutes inconsistent with, and destructive of them. Nor do two or three particular Instances, varying from, and repugnant unto them, bring them so much as into Disuse and Desuetude; but even in order to that, there must be immemorial Prescription against them, and that without being disallow'd or complain'd of in Parliament.

The Parliament did it not by their Legislative Capacity.

Thirdly, What the Parliament did, Anno 1661. in the Case of Sir John G——, was not properly done by them in their Legislative Capacity, but as a part of the Supreme Authority of the Kingdom, concurring with the King in an Act and Deed of the *Supremum Imperium*, and illimited Power of the Government; which the appointing of Judges for the equal Administration of Justice came to be at that Season and Conjunction, by reason of the total Vacancy, and the Impossibility that thereupon ensu'd of Choosing and Ordaining the Lords of Session, whereof the President is always one, in the ordinary, legal and establish'd Methods. What the King and the Estates of Parliament did in the Case of that Vacancy of the College of Justice, was much of the nature of, and parallel unto, what the Estates alone have done upon the late Vacancy of the Throne; wherein they acted not in the way of a Legislative Body, but in the Virtue of that illimited Power which resided in them, as Representatives of the whole People, and who knew no other Measures whereby to act, but what lay most in a tendency to the publick Safety.

The King's Right of choosing the President disclaim'd by those who advis'd him to challenge it.

Fourthly, The King's having a Right to choose the President of the Session, is disclaim'd and ridicul'd by those very Persons that have advis'd him to challenge it. For my Lord S——, in whose Favour, and in pursuance of whose Advice his Majesty hath claim'd a Right, and exerted an Authority of appointing a President, hath, by the Method of his entring upon that Office and Station, renounc'd the Legality of his Majesty's acting in that particular, and declar'd that he holds not his Place by virtue of the King's Choice and Designation. For after he had prevail'd upon the King to elect and send him down President of the Session, the first

first thing he did at their Meeting, and that in order to the throwing the Blame upon his Majesty of all that had been transacted before, was to wheedle that over-w'd and pack'd Bench, to choose him for President of the College of Justice: which as it shews the Disloyalty and Treachery of the Men, so it testifieth and publisheth his Folly. For how could they be in a capacity as Lords of Session to choose him for a President, that were not antecedently legally try'd and approv'd themselves; and who knowing their own Unqualifiedness both as to Literature and good Fame, made his Majesty's having nominated them, an Excuse from their undergoing a Trial? For tho it be both requir'd by the Laws; and was accordingly given out all along here that they should be try'd; yet Five of them being conscious unto themselves how little they answer'd the Qualifications prescrib'd in the Statutes, refus'd to submit to be examin'd, under a pretence that they would not thereby weaken his Majesty's Right and Authority in his having elected them. And thus the King's Authority is doubly expos'd, by those who call themselves the ordinary Lords of Session, in excusing themselves from a Trial, which was never design'd they should do, seeing *S—*, *M—* and *N—*, were both appointed, and said to be in a capacity to examine them: And then by him who is call'd President, thro its being made a Stale for his obtaining the Name, and re-bounc'd for the Choice of the Bench, as that which alone must give him a Legal title. Whereas if the King's Choice of him be not according to Law, and sufficient to justify his Entrance upon his Office, why did he abuse his Majesty in telling him that it was? And if it be the King's Right, and a part of his Prerogative, to elect the President, why hath he sacrific'd his Majesty's Honour, and given away his Legal Power, in the submitting to hold the Office by any other Tenure? However, we are come to be Gainers by this Carriage of *S—*, how much soever the King is a Loser by it: For his surrendring from the King the Right of choosing President, is a Vindication of the Justice of the Parliament's Vote and Demand. Besides, here is an end put to that Pretence which they have been endeavouring to lay upon the World, viz. That *S—* was only restor'd to the Presidency of which he was violently dispossest, and that he was not chosen unto it as unto a place whereunto he had not a Right. So that either the Choice made at *Edinburgh* overthrows the Plea us'd at *London*, about his being merely restor'd; or else it whereby they do here seek to justify his Majesty's Proceedings in reference to *S—*'s being President, condemns what the Proteus hath there betaken himself to, of being elected by those call'd the Lords of the College of Justice. To which I shall only add, That as he was never legally President before, so he is as little President now. His assuming the Office then, when he was not chosen by the Bench, as the Law ordains, made him an Usurper; and his entring upon the Bench again, upon the Choice of those that are not Judges, by reason of their not being try'd as the Statutes appoint, leaves him under the same Crime and Imputation.

So that having now dispatch'd all that is either Historical or Argumentative about the several Heads in difference between the Parliament of *Scotland*, and a pack'd and unadvis'd or ill-designing Men about his Majesty, I shall shut up this Discourse with some Political Reflections upon the whole: Whereof the first is, That it is the having barely a good King that renders a People happy, but much of it must come from his having good Ministers about him: For no Nation ever had a better Prince than we at present have, and yet we find there is cause of Complaint, by reason of the ill Counsellors that possess his Ear. We do not think that he entertains any out of Choice, yet that will not give his People Ease, tho it may for a while suppress their Murmurings. His Majesty's being so little acquainted with Men at his first coming over, might lay him open to be misled in the choice of his Officers: But to continue to use them after he hath had sufficient means as well as opportunity of knowing their Characters, will leave an Imputation not only upon his Goodness, but upon his Wisdom. For as the People have no other way of judging of the Goodness of their Prince, but by finding his Officers and chief Ministers to be good; so if these be not, they may possibly acknowledg *William* to be a good Man, but they will never believe that the King is so. And *Machiavel's* Observation, That a wise King will always find wise Ministers, is no more than what every Man is persuaded of upon the first Principles of Reason, and of common Sense. I do acknowledg, that ill Men have ways of thrusting themselves upon Princes, which the virtuous think too unworthy and below them to use. For whereas the latter are always modest, and seek no Recommendations but from their own

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Ministers.*

Merit; the former are importunate, and can both flatter and bribe Favourites to speak well of them. It was a severe Prediction as well as Observation, which the late Prince of *Conde* made upon the News of King *Charles* the Second's Death, and of his Brother's succeeding him, *viz.* That he was like to be well serv'd, thro having none about him but his own Fools, and his Predecessor's Knaves. How may wise Men then imagine his present Majesty is like to be serv'd, who tho he hath not the Fools of the last Reign about him, yet he hath both the Knaves of that and of the former? Nor is it of any great Advantage at least to *Scotland*, to be deliver'd from the Fools of the last Government, seeing there are weak Men enough besides those, and some of them trusted with the chief Conduct of the Scotch Affairs? For how else could it be, that of all the publick Orders remitted thither, there hath not been one, which either the Meeting of Estates, the Parliament, or the Privy Council have not voted to be illegal? In reference unto which, as we do acquit the King from all blame, seeing he cannot be suppos'd to be acquainted yet, either with the Scotch Laws, or with their Forms, and does only sign what others prepare for and offer unto him; so we are not willing to ascribe it so much to the Treachery and Malice of his Minister, as to his Simplicity and Weakness: Who tho he may possibly be an honest Man, and indifferently vers'd in common Affairs, yet he hath no great knowledge of the Laws, and is but a Puny in the Politicks, by reason of which he comes to rely upon other Mens Advice, who instead of instructing and assisting him to serve the King, make him a Tool for promoting Ends and Designs directly opposit to his Majesty's Service and Interest.

One arbitrary Proceeding is not to be supported but by another.

But then I should observe, 2ly. That one illegal Stop doth lead to many; nor is one arbitrary thing to be supported but by another. It hath been hitherto taken for an undoubted Truth, That tho the Estates assembled in Parliament have not alone a Legislative Power, so as to enact Laws without the King, yet that they have the supreme and uncontrovertible Power of declaring the Meaning and Sense of those Laws that are already enacted and establish'd. So that when the Parliament hath once declar'd the Sense and Meaning of any Law, all Courts of Judicature, as well as particular Persons, are bound to acquiesce in their Explanation of that Law. And to divest the Parliament of this, is to strip them of one of their chiefest Privileges, and to detract from and diminish their Authority, which is Treason by the Law of *Scotland*: For it is expressly declar'd by *Act 130. Parl. 8. Jam. 6.* 'That whosoever, in time coming, shall take upon him to impugn the Dignity and Authority of the three Estates, or shall seek or procure the Innovation or Diminution of the Power and Authority of the three Estates, or of any of them, shall be guilty of Treason. Yet when the present Parliament had declar'd the Sense of the antient Laws to be, that the King, in a total Vacancy, could not appoint Judges, without their being admitted by Parliament, the Advance that had been made against our Laws, in his Majesty's assuming a Right of Electing and Authorizing them, hath been seconded with an impugning, despising, and subverting that Authority of Parliament, which we have been speaking of. Nor hath the Invasion upon Parliamentary Rights and Privileges terminated here, but there hath been a further assault made upon them, both by the Council's assuming the Cognizance of that, which was lodg'd before the Parliament, and by their Actings determining in it contrary to the Vote and Declaration of the Estates, who are the Supreme Judicature, and in conjunction with the King, the one Legislative Body of the Kingdom. For it is an unquestion'd Maxim, That when a Matter is once brought and tabled before the Parliament, so as they have laid their hands upon it, it is not afterwards to fall under the Cognizance or Determination of the Council, or of any inferior Judicature, unless remitted expressly unto them by the Parliament it self. And therefore the Parliament having given a stop to the opening of the Signet, and to the sitting of the Session, till the King's further Pleasure was made known to them, and until that Matter should be brought to such an Accommodation as was consistent with the preservation of the Laws of the Kingdom, it was a high Invasion upon the Authority and Jurisdiction of the Parliament, for the Council to meddle in it. But this they were aw'd unto by those who had given the King Advice to choose the Lords of Session and President, and who knew no way to justify one Illegality but by another.

Yea, our Ministers, in order to make the first Act of Invasion upon the Laws which they had thrust the King upon successful, and to prevent their receiving a baffle upon their first setting out on the road of Arbitrariness, sent menacing Letters to those that were nominated Lords of Session, threatening them with Ruin if they

they did not sit at the time that they were appointed; and had it not been for those Letters, several had forbore to act, as knowing they could not lawfully do it. And the sending those Letters sheweth that the Ministers here were convinc'd that they had counsel'd the King to an illegal Thing, but which was to be supported in the same manner: So these Gentlemen of the long Robe, who, contrary to their own Judgment, were influenc'd to sit, and to transgress known Laws, have declar'd how unworthy and unqualify'd they are to be receiv'd and approv'd by Parliament, Lords of the College of Justice. And to crown all these Miscarriages in Government with one more, his Majesty's Ministers being fully sensible, that they whom they call Lords of Session, were neither legally appointed, nor could legally sit and sit, they therefore resolv'd forcibly to support what they had unjustly begun and done; and accordingly, against the day and time those Gentlemen were to, they order'd all the Forces, which were drawn in unusual Numbers about *Edinburgh*, to be in a readiness, upon beat of Drum, that what they had arbitrarily begun, might be violently maintain'd. Which as it was an applying and using of his Majesty's Troops, upon a much differing Design than that for which the Parliament had consented to their being rais'd and paid: So it had been much more for his Majesty's Honour, and the Benefit of his Kingdom, that they had been all employ'd against *Cannon*, who is still making Inroads, and committing Robberies upon several of his Majesty's Loyal Subjects; and who by the ill Conduct and treasable Counsel of some of his Majesty's Ministers, seem'd to have been conniv'd at and forborn, since the last Defeat that was given him, for no other reason, but that there may be a stand for other Rebels in due time to go unto.

But that which I would observe, 3dly. and in the last place, is, That his Majesty for his own Honour and Safety, and for the Peace and Welfare of his People, ought to make some Change and Alteration of his Ministers. For it is evident, that they who are employ'd as Instruments of Oppression, Rapine and Murder, are an ill Government, can never be of use unto, nor for the Reputation of a good. It is evident, That he is betray'd, nor is it so difficult to know by whom how: For Things speak, when Men either dare not, or will not. And Advice are not to be judg'd of by the Quality and Profession of the Persons that give, but by the tendency of the Counsels that are given: For example, They do not design well unto his Majesty, who tell him, That he must not make haste to conquer his Enemies, until he have first screw'd up his Prerogative; and that he improve the dread his People are under of King *James*, for wrestling from him what he can, before he attack him. Again, they cannot intend his Majesty's Interest, who would have him overlook the Crimes and Treasons that are committed against him, seeing the conniving at Rebels can only be to encourage Rebellion. Again, they who advise him to be King only of a Party, and not of the whole People, have a mind he should be King of none. And to counsel him not to use those in his Service who are both willing to serve him, and would do with the utmost Fidelity; or to use those whose Carriage speaks them to be in the interest of his Enemies, is to have him betray'd instead of being serv'd. Nor can they be for his continuing upon the Throne, who would have hindred his Access unto it. And whosoever embarrasseth him with his Parliaments, and by it retards Succours for the Support of the War, can mean no less than that his Majesty's Kingdoms should become a Prey to King *James*, and to his Brother of *France*. And they who counsel him to go on where his Predecessor left off, have a mind to see a new Abdication, tho they were not for the old. But what might be said upon this Head, requireth rather an intire Discourse, than to be confin'd unto this Remark: And therefore all I shall add, is, That as his Majesty must be in a great loss, without a speedy Change as to some of his Ministers; so he needs not fear them, if they be but once thrust out of his Councils, seeing all the hurt he is able to do him, is thro their being there. And if he will but own himself, that he is for his own Interest, he will have enough of those to stand by him, who have no other Interest but what is his.

His Majesty ought to make an Alteration of his Ministers.

A Defence of the Scots Settlement at Darien. With an Answer to the Spanish Memorial against it. And Arguments to prove that it is the Interest of England to join with the Scots to protect it.

Printed in
1699.

To which is added, A Description of the Country, and a particular Account of the Scots Colony.

To the King's Most Excellent Majesty.

S I R,

THE Interest you have in the Flourishing of your antient Kingdom of Scotland, whose Crown is transmitted to you by an Hundred and Eleven of your Ancestors, without ever having been on the Head of a Foreigner; emboldens the Author to lay the following Sheets at your Majesty's Feet.

The Design of them is to vindicate the Settlement of the Scots in Darien, and your Majesty's Justice in protecting them against the oblique Aspersions which are cast upon it in the Spanish Memorial.

The Sovereignty of the Crown of Scotland hath always been held Sacred by our Ancestors, who never were sparing of their Blood to defend it either from the Invasion of Foreigners, or the mean Compliance of some few of our Princes who were unworthy to wear it; and therefore were either totally excluded from it, as the Family of Baliol, or oblig'd to reassert its Right when rescu'd out of the Hands of their Enemies, as happen'd to our William I. and James I.

Providence having now plac'd it on the Head of your Majesty, whose Heroic Courage is known to all the World, our Nation should be unjust to your Character to expect any thing less than that our Crown, which you receiv'd free and independent from your Ancestors, should be transmitted by you with greater Advantages than ever to your Successors.

Therefore it is, Great Sir, that a private Subject of your antient Kingdom takes the Boldness to vindicate the Sovereignty and Dignity of your Crown as King of Scots, and to put such as are Enemies to it in mind, that when Edward I. and II. of England invaded it, the Scottish Nation did gallantly defend it, advanc'd Robert Bruce to the Exclusion of Baliol the nearest Heir, and acquainted the Princes of Christendom that they did so in defence of their Independency: adding, that they would expel Robert Bruce, if he offer'd to betray their Liberty, and would never subject their Crown to that of England, whilst there were an hundred Scots men alive.

This being the Fundamental Constitution of our Government, and the Condition on which that Prince and his Successors were admitted to our Crown, they can in no wise be look'd upon as Friends to your Majesty's Dignity as King of Scots, who call in question what you enact in the Parliament of that Kingdom, or that offer to traverse it by contrary Proclamations.

We are your Majesty's Subjects as well as our Neighbours, and have an equal Right to share your Protection, which it's hop'd they will at last be convinc'd it is their Interest to agree to in relation to our American Settlement.

Your Majesty's Paternal Affection to the Kingdom of Scotland hath discover'd it self in many Instances ; nor is it desir'd or expected by our Nation, that it should any way interfere with the like Care and Affection which is owing to our Brethren of England ; but there is no reason that they should enjoy a Freedom of Trade throughout the World, and that we should be denied it.

Your Majesty in your gracious Proposals of an Union, gave sufficient Evidence of a Fatherly Concern for both Nations. Therefore as it hath pleas'd God to make you the Glorious Instrument of our Common Deliverance, that he would also make you the happy Instrument of our inseparable Union, and after a long Reign here, crown you with Everlasting Glory hereafter, is the sincere and ardent Prayer of

Your Majesty's Loyal

and Affectionate Subject,

Philo-Caledon.

A Defence of the Settlement of the Scots on the Isthmus of Darien in America. With Arguments to prove, That it is the Interest of England to join with them, and to protect them in that Colony.

THE Heads propos'd to be insisted upon in the following Sheets, are, *The Legality of the Scots Establishment : The Advantage or Disadvantage that may redound from it to England : Whether the Scots without the Assistance of the English may be able to maintain their footing in America ; and what may probably be the Consequences if the Scots should be oppos'd therein by the English, and miscarry in the Undertaking.*

The chief Objections against the Legality of their Establishment, arise from the Memorial deliver'd in against it to the King, by the Ambassador Extraordinary of Spain, May 3. 1699. O. S. as follows :

THE Under-Subscriber, Ambassador Extraordinary from his Catholick Majesty, finds himself oblig'd, by express Orders, to represent to your Majesty, That the King his Master having receiv'd Information from different Places, and last of all from the Governor of *Havana*, of the Insult and Attempt of some Scots Ships, equip'd with Men and other things requisite, who design to settle themselves in his Majesty's Sovereign Demains in *America*, and particularly the Province of *Darien* : His Majesty receiv'd those Advices with very much Discontent, and looks upon the same as a Token of small Friendship, and as a Rupture of the Alliance betwixt the two Crowns (which his Majesty hath observ'd hitherto, and always observes very religiously, and from which so many Advantages and Profits have resulted both to your Majesty and your Subjects) as a Consequence of which good Correspondence, his Majesty did not expect such sudden Insults and Attempts by your Majesty's Subjects, and that too in a time of Peace, without Pretext (or any Cause) in the very Heart of his Demains.

All that the King desires, is, That this may be represented to your Majesty, and that your Majesty may be acquainted, that he is very sensible of such Hostilities and unjust Procedures, against which his Majesty will take such Measures as he thinks convenient. Given at London, May 1st. 1699.

The Spanish Ambassador's Memorial to K. will. upon the Scots settling at Darien.

It were easy to make proper Remarks upon the Weakness, Insolence and Ingratitude of this Memorial, but it is not worth while ; all the World knows what the Crown of Spain owes to his Majesty of Great Britain ; and therefore a more civil Application

Application might reasonably have been expected to a Prince who hath not only sav'd the *Netherlands*, but prevented his Catholick Majesty from being insulted on his Throne at *Madrid*. But these things we pass over, and come to the chief Point in the Memorial, which is, *That the Scots have posst themselves in the King of Spain's Demains in America, contrary to the Alliance between the two Crowns*. If this be prov'd to be false, then the Cause of the Complaint ceases, and his Majesty of *Great-Britain* hath reason to demand Satisfaction for the Affront offer'd thereby to his Justice and Sovereignty.

Darien no part of the Demains of the K. of Spain.

To prove the Falshood of the Allegation, That the Province of *Darien* is part of the King of *Spain's* Demains: It is positively deny'd by the Scots, who challenge the Spaniards to prove their Right to the said Province, either by Inheritance, Marriage, Donation, Purchase, Reversion, Surrender, Possession or Conquest; which being the only Titles by which they or any other People can claim a Right to those or any other Dominions, if the Spaniards cannot make out their Right by those or any of those, their Claim must of consequence be null and void.

The Spaniards have no Title to it by Inheritance.

It is evident that the Spaniards cannot pretend a Title to that Country by Inheritance, Marriage, or the Donation of Prince and People; and as to Conquest it would be ridiculous to alledg it, since the *Dariens* are in actual possession of their Liberty, and were never subdu'd, nor receiv'd any Spanish Governor or Garison among them. Nay, they were so far from it, that *Waser*, *Dampier*, and others who have wrote of that Country, do all agree that they mortally hate the Spaniards, were in War with them, and that the Spaniards had no Commerce with those Indians, nor Command over them in all the North side of the *Isthmus* a little beyond *Porto Bello* *.

England in 1580. did not think it to belong to 'em.

Capt. *Sharp* in the Journal of his Expedition, publish'd in Capt. *Hacke's* Collection of Voyages, gives an Account, that in 1680. he landed at *Golden-Island* with 330 Men; and being join'd by one of the *Darien* Princes, whom they call'd *Emperor*; and another to whom they gave the Title of *King Golden-Cap*, with some hundreds of their Men, took *Santa Maria*, attempted *Panama*, and made Prize of several Spanish Ships: which is the more remarkable, because Capt. *Sharp* was afterwards try'd in *England* for Robbery and Piracy on this very account, but acquitted because of his Commission from those *Darien* Princes. Which is a plain Demonstration that the Government of *England* did then look upon *Darien* to be no way subject to *Spain*, whatever some who are Enemies to the Scots, do now say against the Legality of their Settlement in that Country. This same Expedition against the Spaniards, by the assistance of the *Darien* Indians, is confirm'd by Mr. *Dampier* in his Introduction to his *New Voyage round the World*. And the Bishop of *Chiapa*, a Prelate of their own, in his *Relation of the Spanish Voyages and Cruelties in the West-Indies*, p. 217. owns, 'that the Spaniards had no Title to the Americans as their Subjects, by Right of Inheritance, Purchase, or Conquest.

The Spaniards by Dariens had perpetual Enmity.

We have likewise a large Account, and a full Confirmation of the War and perpetual Enmity betwixt the *Dariens* and Spaniards, in the History of the Buccaneers of *America*, Vol. 2. Part 4. wrote by *Basil Ringrose*, who was one of their Company. There he informs us that the *Indians* of *Darien*, and the *Spaniards*, are commonly at War with one another; and that the Buccaneers were invited into that Country, and join'd by the *Darien* Princes, Capt. *Andreas*, Capt. *Antonio*, and the King of *Darien*, who assisted them in the taking of *Santa Maria*, and their Attempt upon *Panama*; and the King whose Daughter the Spaniards had stole away, promis'd to join the Buccaneers with 50000 Men. This is the more remarkable, because those very Princes, or their Successors, are now in League with the Scots, and have joyfully receiv'd them into their Country. So that it is the strangest Impostition that can be put upon any Nation, and one of the most audacious Affronts that ever was put upon so Great a Prince as King *William*, for the Spaniards to pretend a Right to *Darien*, and accuse him of a Breach of the Peace, because a Colony of his Subjects have settled themselves there; when it is so well known to the World, that the Crown of *Spain* has no manner of Title to that Province.

They have no Title by Possession.

Then as to any Claim by virtue of Possession, the Spaniards have not the least ground of Plea: All they can alledg on this Head is, that they were once admitted by the Consent of Capt. *Diego*, another of the *Darien* Princes, to work on

* *Waser's New Voyage and Description of the Isthmus of America*, p. 11, 65, 149, 150, 151.

some Golden Mines within fifteen Leagues, or thereabouts of the Scots Settlement. But it is plain that this makes nothing for their purpose; that Prince admitted them only as Labourers, but not as Proprietors: and when they broke the Conditions on which they were admitted, viz. to allow the *Dariens* such and such Shares of the Product, they were expel'd again by Force; and ever since that time the *Dariens* refuse to have any further Dealings with the *Spaniards*, who made themselves odious to them by their Treachery and Insolence. So that Mr. *Waser* tells us, pag. 133. they allow a distinguishing Mark of Honour to him who has kill'd a *Spaniard*: And, pag. 179. that *Lacenta*, one of the chief of the *Darien* Princes, did in his converse with him, express his Sense and Resentment of the Havock made by the *Spaniards* in the West of *America*, at their first coming thither.

It remains then, that the *Spaniards* can lay no other Claim to *Darien*, but what they plead from the Pope's general Grant of *America*, its being bounded by their Dominions, and the Treaties with *England*, which shall be consider'd in their order. By the Pope's Grant.

To urge the Pope's Grant amongst Protestants is ridiculous, and amongst Papists themselves but precarious: But admitting it were sufficient to justify their Title, it is easy to prove that the *Spaniards* have forfeited all the Right they can claim by virtue of that Grant.

The Church of *Rome* will not publicly own her Power to grant a Right of Conquest, but in order to propagate the Faith; and not that neither, except the Infidel Prince or People be guilty of a Breach of Treaty. So that the Pope's Grant, with those Restrictions, is so far from establishing the Title of the *Spaniards*, that it plainly overthrows it.

That the *Indians* were committed to the *Spaniards* by Pope *Alexander VI.* on condition that they should teach them the Christian Religion, is prov'd by *Don Bartholomew de las Casas* Bishop of *Chiapa*, in his *Account of the first Voyages and Discoveries made by the Spaniards in America, and the Relation of their unparalleled Cruelties*, p. 195. and there he likewise owns, 'That by their acquitting themselves so ill of that Commission, they ought to make restitution of all they have taken from them under this Pretext. And, pag. 200. he charges them with Breach of the Terms prescrib'd by the Apostolical Brief, tho *Queen Isabella*, to whom it was granted, earnestly intreated them in her last Will to keep exactly to it. P. 218. he says, that the Title of the King of *Spain* to the *Indians*, is founded only on the Obligation he had taken upon himself to instruct them in the true Faith, as appears by the Apostolick Brief: which they were so far from performing, that instead of converting their Souls, they destroy'd their Bodies; having in those early days, viz. in the time of the Emperor *Charles* the Fifth, murder'd above 40 Millions of them; and took so little care to instruct them in the Christian Religion, that they perfectly obstructed their Conversion, and sold those very Idols that some of the poor People had thrown away with abhorrence, to others of the *Indians*, *ibid.* p. 194. 'Which, together with their other horrid Impieties, created an aversion in those poor Infidels for Heaven it self; according to the known Story of *Hathway* an *Indian* Prince, *ibid.* p. 21. who being fasten'd to a Stake by the *Spaniards* in order to be burnt, for no other Crime but endeavouring to defend himself and his Subjects against their Cruelties, ask'd a Friar that was discoursing to him of Heaven, promising him eternal Happiness there if he would believe, and threatening him with Hell if he did not, whether Heaven was open to the *Spaniards*; and being answer'd, that it was to such of them as were good, reply'd immediately, that he would not go thither for fear of meeting such cruel and wicked Company as they were, but would much rather chuse to go to Hell, where he might be deliver'd from the troublesom sight of such kind of People. So that their forfeiture of all Right or Title to *Darien* by the Pope's Grant, if it were of any validity, is plainly demonstrated.

Their next Plea is, that *Darien* is bounded or inclos'd by their Dominions, viz. *Nor by its being bound- ed by their Dominions.* by *Portobello* and *Carthagena*, with their Territories on the North, and *Panama* and *Sancta Maria* on the South. To this it is answer'd, that *Darien* is bounded only by the Sea on both sides, without so much as a Spanish Fort or Garrison, from *Vombre de Dios* to the Gulph of *Darien* on the North Sea, or from the River of *Guapo* to the River of *Congo* on the South Sea. The Territories of the *Spaniards* adjoining on both ends of the *Isthmus* are not unlimited, but are restricted on both sides by the *Dariens*, who, as has been already said, were never subject to

Spain. Nor is it any new thing in the World for independent Sovereigntys to lie inclos'd within the Dominions of other Princes; to instance in no more than *Orange* and *Avignon* in *Europe*; *Ceuta*, *Metilla*, &c. possess'd by the *Spaniards* themselves in *Africk*, which lie in the very bosom of *Morocco*, and yet the *Spaniards* don't think their Title to them e'er a whit the worse. The *Dutch* and *Portuguese* have both of them Settlements on the Coast of *Brasil*, to which the *Spaniards* pretend a Right. The *French* have Settlements in *Hispaniola* and *Guiana*, notwithstanding the Neighbourhood of the *Spaniards*. The *English* and *French* have both of them Plantations in *Newfound-land*. The *Dutch* in time of Peace settled on *Long-Island* in the middle of the *English* Plantations, yet no War ensu'd upon it. The *English* possess'd themselves of *Bahama* Islands, tho the *Spanish* Fleet pass'd betwixt them and *Florida*: and the *English* have several times settled at *Port-Royal* in *Campechy-Bay* to cut Logwood, &c. and remov'd and settled as they found convenient. King *Charles* the Second, in time of Peace, granted a Patent to *Dr. Cox* to settle a Colony in the Bay of *Mexico*, which was never question'd by the *Spaniards*: And the *French* have now since the Conclusion of the last Peace, planted a Colony on the River *Mississipi* in that same Bay, against which we hear of no Complaints from *Madrid*. So that the Plea of the *Spaniards* from this Topick is perfectly overturn'd by common Practice, the Law of Nations, and their own Concessions in parallel Cases.

The Scots Settlement at Darien no Breach of a Treaty between Gr. Britain & Spain.

The next Plea of the *Spaniards* is from the Treatys between them and the Crown of *Great-Britain*, of which they alledge the Settlement of the *Scots* at *Darien* to be a Breach: But that there's no ground for this Allegation, will appear to those that peruse the said Treatys, viz. that of *May* 23. 1667. and that of *July* 1670. wherein there's not the least mention of excluding either Party from enlarging their Dominions in *America*, upon Wastes, or by Consent of the Natives, in such Places as have never yet been possess'd by *Spain* or *Great-Britain*. So that all that can be infer'd from those Treatys is, that they were a mutual Security for the peaceable possession of what each Crown enjoy'd in that Country, and no more; which is sufficiently confirm'd by the Patent granted to *Dr. Cox*, and the settling and removing of the *English* in *Campechy-Bay*, &c. without controul, as before mention'd.

Having thus made it evident that the *Spaniards* have no manner of Title or Right to *Darien*, it is natural in the next place to shew that they themselves are guilty of the Breach of Treaty by proceeding in this Affair as they have done.

The 3d Article of the Treaty between 'em.

By the third Article of the Treaty between the Crowns of *Great-Britain* and *Spain*, concluded at *Madrid*, *May* 11. 1667. it is provided, 'That if any Injury shall be done by either of the said Kings, or by the People or Subjects of either of them, to the People or Subjects of the other, against the Articles of that Alliance, or against common Right, there shall not therefore be given Letters of Reprisal, Marque or Countermarque, by any of the Confederates, until such time as Justice is follow'd in the ordinary Course of Law. Yet the *Spaniards* without any such Procedure, or offering in the least to prove their Title to *Darien*, present a virulent and huffing Memorial, at the very first charging the King with want of Friendship, and a Breach of Alliance, and threatening to take such Measures as they shall think meet: when their sickly Monarchy has not yet had time to breathe, since rescu'd from the common Danger wherein *Europe* was involv'd by the Arms of that very Prince whom they treat so ungratefully.

The Spaniards guilty of the Breach of the same.

But this is not all; for contrary to the express Words of that same Treaty, they attack the *Scots* by Sea and Land, who had done them no Injury, but acquainted them that they came thither peaceably, without any hostile Design against them or any other People; and were so generous as to reject the Motion of *Capt. Andreas*, one of the *Darien* Princes, and their Ally, when he offer'd to make them Masters of *Panama*, if they would but join him with 500 of their Men.

The *Spaniards* have also, contrary to the 10th and 11th Articles of the Treaty concluded at *Madrid*, *July* 8. 1670. concerning *America*, detain'd the *Scots* and *English* Prisoners who were forc'd ashore at *Carthagena* by Shipwrack, tho all such Practices be expressly provided against by the said Articles: and they have also violated the 14th Article of that Treaty which forbids Reprisals, except in case of denying, or unreasonably delaying Justice. From all which it is evident that the King of *Great-Britain* has just Reason to demand Satisfaction of the *Spaniards* for attacking his Subjects contrary to Treaty; and that the *Scots* being thus injuriously treated,

treated, may very lawfully, not only make Reprisals upon the Spaniards for themselves, but join with the King of *Darien* in taking *Sancta Maria*, *Panama*, or any other Place belonging to the Spaniards in that Country, of which the *Dariens* are Natural Lords, and the Spaniards Tyrannical Usurpers, as is pleaded by the King of *Darien* himself; and therefore he invited the *English* Buccaneers to assist him to retake it: and by this Capt. *Sawkins* justify'd his Proceedings in a Letter to the Governor of *Panama*, asserting that the King of *Darien* was true Lord of *Panama*, and all the Country thereabouts; and that they came to assist him; *History of Buccaneers*, Vol. 2. Part 4. p. 32. And we have mention'd before that Capt. *Sharp*, who was accus'd of Piracy for that same Expedition, and succeeded *Sawkins* in his Command, was acquitted in *England*, because he had that Prince's Commission.

Having fully prov'd that the Spaniards have no Title to *Darien*, it remains to be prov'd that the Scots have as good and just a Title to their Settlement there, as any People in the World can have; which may easily be demonstrated thus:

The Scots have a just Title to settle there.

They were authoriz'd by an Act of Parliament, and the King's Letters Patent, to plant Colonies in Asia, Africa, or America, upon Places not inhabited, nor any other Place, by Consent of the Natives, not possess'd by any European Prince or State. Being provided with this Authority, than which there cannot be a Greater, or one more duly and honestly limited, they equip'd their Ships, and landed on the North side of the Isthmus of *Darien* in November 1698. where the Spaniards, as has been fully prov'd, never had any Possession, and no other European Prince or State pretends any Claim to it. Being arriv'd there, they fairly obtain'd the Consent of the Princes and People of the Country, and particularly of Capt. *Andreas*, who is the chief Man in that Tract; and after a solemn Treaty and Alliance deliberately made, and wrote in Spanish, because the said Prince understands that Language, they peaceably enter upon their new Colony, without either Force or Fraud. So that they have religiously kept to the Conditions of the Act and Patent, which is a plain Demonstration that they have a just and legal Title to their Settlement, and a Right to the Protection of the Government against the Attempts of the Spaniards, or any other People whatsoever.

By the Act of Parliament, and the King's Letters Patent.

The next Topick to be insisted upon, is the Advantage or Disadvantage that may redound to *England* from this Settlement. We shall begin with the Disadvantage, which consists in the suppos'd Damage it may do to the Trade of *England*, and that it may, as is pretended, occasion a Rupture betwixt them and *Spain*. To this we may easily reply, that being a distinct and independent Nation, we are not oblig'd to consult their Interest, any further than they consult ours; and that we have as much reason to maintain this Colony, because of the Advantage it may bring to our selves, as they have to oppose it, because of the Disadvantages that they fancy may arise from thence to *England*. But withal we deny that it can be any Damage to their Trade, which from that part of the World consists chiefly in Sugar and Tobacco, neither of which are yet to be found in *New Aledonia*. But that which we look upon to be a compleat Answer to the Objection is this, That they may be Sharers with us in the Settlement if they please, and consequently Partners in the Profits and Trade, and lay it under such Regulations; may prevent its endamaging the Commerce of *England*.

Their Settlement can be no Damage to the English Trade.

And whereas it is further objected, That by the great Immunities and freedom of Customs granted to the Scots Company for so many Years, we shall be able to undersell the English Company, forestall their Markets, and lessen his Majesty's Customs; we answer, that this Objection is in a great measure obviated, since we do not now pretend to set up an *East-Indian* Trade; but admitting it were true, it will be to the general Advantage of the *English* Nation, since the Buyers are ways more than the Sellers. It must certainly be better for the Kingdom in general, that every one that has occasion for *Muslin* or *Indian Silks*, &c. should save many Shillings per Yard or Piece in their Pockets, than that some two or three merchants should once in an Age get Money enough to make a Daughter or two a Countess or Dutchess. Nor can it be deny'd but it's better for *England*, that Housekeepers in general should save that Money to buy Provisions for their Families, which consumes our own Product than that a dozen of Merchants should be enabled by the extravagant Prices of those Commodities to keep their Coaches. Add to this, that the *English* if they please, by joining with the Scots, may have an equal

By underselling 'em.

Share of all those Immunities; and if there should be for some time a lessening of the King's Customs, of which there is at present no manner of prospect, it will be sufficiently made up in time to come by a large addition, if that Colony prospers: so that the King's Bounty in that respect is but like the bestowing of Charge to improve barren or wast Ground, which will return with treble Interest to him or his Heirs.

Or making
Scotland
the only
free Port.

There's another Objection made against the Scots Company, that by their Constitution such Ships as belong to them must break Bulk no where but in *Scotland*, which will diminish the number of English Ships and Seamen, and make *Scotland* the only Free Port of all those Commodities. To which it's reply'd, That tho our own Ships are oblig'd to break Bulk no where but at home, they don't lay the same Obligation upon others, but, allowing them a free Trade to *Darien*, they may carry their Goods where they please; or upon fair Proposals, there's no doubt but the Parliament of *Scotland* will give the *English* all possible Liberty as to that matter.

No Fear of
a Rupture
with Spain.

Then as to the hazard of a Rupture with *Spain*, we reply, That the *Spaniards* are in no condition to break with *England*, when they are not able to maintain themselves against the Insults of the *French* by Sea and Land: And the only way to secure them in the British Interest is to have a powerful Colony in *Darien*, which lying in the very Centre of their American Dominions, and within reach of their Silver and Gold Mines, will be an effectual Curb upon them, and not only prevent their own Hostilities, but their joining at any time with our Enemies; or if they do, being Masters of their Money, we shall speedily cut the Sinews of their War.

The Advan-
tages to
England
by the Set-
tlement.

The Scots
thereby will
increase
their Ship-
ping.

In the next place we urge, that it will be very much for the Interest and Advantage of *England* to encourage and support us in this Settlement.

1. Because by this means the *Scots* will increase their Shipping, and come in time to have a Naval Force, capable of assisting the *English* in the common defence of the Island, in maintaining the Sovereignty of the Seas, and conveying their Merchantment in time of War; the necessity of which is obvious enough, since they and the *Dutch* both have scarce been able to secure their Trade, maintain the Dominion of the Seas, and defend themselves from the Invasions of the *French* during the last War. Nor can the *English* always promise to themselves the Amity of the *Dutch*, who are their Rivals in Trade, and differ far enough from them both in Temper and Interest, there's nothing to cement them but the Life of our present Sovereign: Whereas the *Scots* being united with the *English* under the same Government, and inhabiting the same Island, must of necessity have the same Interest as to Trade, and to defend the Country against all Foreign Invaders, as they constantly did in former times, against *Romans*, *Danes*, *Saxons*, and *Normans*, notwithstanding their living then under a separate Prince, and their frequent Wars with *England*. Nor is that brave Resistance which a few of them made to the *Dutch* at *Chatham* to be forgotten, which did in a great measure repair the Honor of *England*, and make amends for the Ignominy and Disgrace which that Attempt put upon the *English* Nation.

And in
Wealth.

2. As *Scotland* increases in Shipping they will increase in Wealth, and by consequence be able to bear a greater share of the Burden of any Foreign War, which will save Men and Money to *England*, and lighten their Taxes.

Be an Ad-
ditional
Strength to
the West-
Indies.

And will
spend more
Money in
England.

3. The Success of the *Scots* in their *American* Colony, will be an additional Strength to the *English* Plantations in the *West-Indies*, as well as an Advancement of their Trade, by consuming their Product, and giving them theirs in Exchange.

4. The Success of the *Scots* at *Darien* will be of great Advantage to *England*; for the more Money the *Scots* acquire by their Trade, the more they will spend in *England*; which being the Seat of the Government, must frequently be visited by their Nobility and Gentry, who generally furnish themselves in *England* with their best Apparel, Household-furniture, Coaches and Horses, &c. besides the Money that the young Noblemen and Gentlemen spend in their Passage thro that Nation, when they go and come from their Travels. These things occasion their laying out vast Sums of Money annually in the City of *London*, which being the Seat of the Government, will as certainly draw Money from *Scotland*, as the Sun draws Vapors after it.

And lessen
the Number
of Scotch
Pedlars.

5. The Success of the *Scots* in their Foreign Plantation, will not only ease *England* of great numbers of their Pedlars, so frequently complain'd of in Parliament by Country Corporations and Shopkeepers, but it will occasion the return home, and

and prevent the going out of vast numbers of their Youth, who follow the same sort of Employment, or betake themselves to the Sword in *Denmark, Sweden, Poland, Muscovy, Germany, Holland and France*; by which means the Government of *Great Britain* may furnish their Fleets and Armies at a much cheaper and easier rate than formerly, and with as good Mariners and Soldiers as any in the World.

6. The *English* by joining with the *Scots* and supporting their Colony at *Darien*, may have their Plate brought home in their own Bottoms, and from their own Mines, with which we are assur'd that Country abounds, without being oblig'd to touch at *Cadiz* or any Foreign Port, being liable to the vexatious Indults of Foreign Princes, or in such hazard of being intercepted as they many times were during the late War.

The English by it may bring their Plate home in their own Bottoms.

7. The *English* may by joining with the *Scots* render themselves more capable than ever of keeping the Balance of *Europe* in their hands; a Trust which Nature and Providence seem to have assign'd them, since their Situation and Naval Force not only make it proper for them, but they have had an Opportunity put into their hands in little above the Revolution of one Century, of twice breaking the Chains of *Europe* when threaten'd with Slavery; first by the *Spaniards*, and then by the *French*. This is so much the more evident, that by being possess'd of *Darien* they will be able either to prevent the uniting the Spanish and French Monarchies; or if not so, to render that Union so much the less dangerous, when it will be in their power to seize their Treasure and Dominions in the *Indies*, without which that bulky Monarchy must fall by its own Weight. This is likewise of so much the greater Importance, that it may very probably either prevent a Religious War, towards which the Papists discover so much Inclination, or at least bring it to a speedier Conclusion: for we have as good reason to look upon the Spanish Mines in the *West-Indies* to be Antichrist's Pouch, by which he maintains his War against the Church, as the old *Taborites* had to call the Silver Mines in *Bohemia* by that Name. It is certainly the surest Method of destroying Antichrist, to seize his Purse; for if he once be depriv'd of *Judas's* Bag, he will quickly drop *St. Peter's* Keys. It's by the Charms of her Gold that the Babylonish Whore hath made the whole World to wonder after her, and the Kings of the Earth to be drunk with the Cup of her Fornication.

And thereby keep the Balance of Europe.

8. By this means the *English* may be better able to prevent the Ruin of their Trade in the *Mediterranean* and *West Indies*, if the *French* should possess themselves of the Kingdom of *Spain*: And they will likewise be better able to prevent their possessing themselves of the *Netherlands*; which if once they should do, and get Ports there capable of holding a Fleet, they would also ruin their *Eastland* Trade, and put a period to the Liberties of *Great Britain*.

And secure their Mediterranean and West-Indian Trades.

9. It will effectually unite the *Scots* to *England* by an inseparable Tie, if the *English* join us in this Undertaking: Their Ancestors would have gladly purchas'd this Union at a much dearer rate, but were always outbid by *France*: and the want of that Union made the *English* not only an easy Prey to their successive Conquerors, but lost them all the large Provinces that they enjoy'd beyond Sea, which were their atural Barriers, gave them a free Access to the Continent, and make the *English* lame so glorious in the Days of their Ancestors.

It will effectually unite them.

10. It will be of general Advantage to the Protestant Interest, and contribute to the Advancement of pure Christianity, without any of the Romish Sophistifications: which certainly ought to weigh much with all true Protestants; and so much is more, that the Pope and the Conclave of *Rome* have espoused the Quarrel of the *Spaniards* in this Affair as a Cause of Religion. Doubtless the poor *Americans* will be more inclinable to imbrace Christianity, when they find the difference of the Morals and Doctrine betwixt Protestants and Papists, and see that the former treat them with Humanity, and seek their Welfare both in Body and Soul; whereas the *Spaniards* have render'd themselves, and the Religion they profess, odious, by the inhuman Cruelties and brutish Lusts which they have exercis'd upon many Millions of the Natives. This is so far from being a Calumny, that unexceptionable Author of their own, *Don Bartholomew de las Casas* Bishop of *Chiapa*, formerly mention'd, who was an Eye-witness of their Cruelties, gives an account that they had in his time destroy'd above forty Millions of poor *Indians*; tho they receiv'd them with the greatest Kindness imaginable, were ready to do them all the friendly Offices that one Man could desire of another, and testify'd their great Inclination to have imbrac'd the Christian Religion. But the *Spaniards* aim'd at the Destruction, and not at the Conversion

And be of general Advantage to the Protestant Interest.

of the *Indians*; and are avowedly charg'd with it by the said Bishop, who in many places of his Book declares, that after they had sent for the Chiefs of the Countries to meet them in an amicable manner, which the poor harmless Creatures, did without suspicion of any Fraud, these merciless Tyrants murder'd them by wholesale, on purpose to make themselves terrible to them. This was a Practice so inconsistent with Humanity, that all the People of the World ought to have reſented it; as having much more reason to declare the *Spaniards* to be Enemies to Mankind than ever the *Roman Senate* had to declare *Nero* to be such.

But this sort of Treatment, compar'd with what they made others to suffer, may well be call'd Mercy: for tho it was Death, the *Indians* were hereby quickly deliver'd from their Misery; whereas they put Multitudes of others to lingering Deaths, that they might feel themselves die gradually: and yet this is not so intolerable neither as the Condition of those poor People that had the Misfortune to survive that Cruelty; for the whole time of their Lives under that miserable Servitude, is but Death prolong'd, or making his Attacks upon them by intolerable Labor, and continual Hunger, the most insupportable of all Plagues; those poor Creatures that toil in the Mines, and are employ'd in Pearl-fishing, &c. having no more Sustainance allow'd them, and that too of the coarsest sort, than is just enough to keep Soul and Body together, in order to prolong their Misery. Then let any Man, who has but the least remains of Humanity left him, judg whether the *Scots* could be criminal, if they should have actually landed upon a Spanish Settlement, and have seiz'd the same, in order to deliver their Brethren the Sons of *Adam* from such hellish Servitude and Oppression as the abovemention'd Bishop describes; and if no Man that has any bowels of Compassion within him can say they could, what shadow of reason is there to blame the *Scots* for erecting a Colony where the *Spaniards* had never any footing?

How Scotland without England may maintain it self in their Settlement.

The next thing to be consider'd is, whether the *Scots* without the Assistance of *England*, may probably maintain their footing there; which there's no doubt may very well be determin'd in the affirmative.

1. Because the whole Kingdom of *Scotland* being more zealous for it, and unanimous in it than they have been in any other thing for forty or fifty Years past, it is not to be doubted but they will use their utmost Efforts to support themselves in it by their own Strength; or if that will not do, by making Alliances with other Nations that are able to assist them with a Naval Force.

2. If they meet with no other Opposition but what the *Spaniards* are able to make to them, it will be easy for the Nobility, and Gentry, and Royal Boroughs of *Scotland*, to raise Money upon their Lands, &c. to increase their Stock for the *American Trade*, and buy Ships of Force to protect it: Nay, without that it's but giving Commission to the Buccaneers to become an Over-match for the *Spaniards*.

Spaniards will not accept of the Assistance of France against the Scots at Darien.

3. Supposing the *French* should offer to join with the *Spaniards* and assist them to drive the *Scots* from *Darien*, as some say they have already proffer'd; we are not to imagine that the *Spaniards* will accept their Proffers in this case, when they refus'd them as to the driving the *Moor*s from before *Ceuta*. The Reasons are obvious: They declin'd the accepting their Proffers as to *Ceuta*, because they would not thereby give the *French* an Opportunity of possessing themselves of any of their Towns in *Africa*, as it is but too common for Foreign Auxiliaries to do in such cases. Then certainly they have much greater reason to refuse their Proffers as to *Darien*, *America* being of infinitely more value to them than some *African* Towns: and if once the *French* should get footing there, it would be in vain for the Spanish *Grande*es any further to dispute the Succession of *France* to their Crown; for they would immediately seize upon their Mines and Treasures in the *West-Indies*, without which the Spanish Monarchy is not able to support it self.

Or supposing the King of *Spain* should live for many years, and by consequence keep the *French* out of Possession; yet having once got footing at *Darien*, which they will certainly do, if the *Scots* be expel'd by their Assistance, the *Spaniards* will quickly be convinc'd to their Cost, that they are more dangerous Neighbours than the *Scots*; not only because of their greater Power to do them more Mischief, but because of their incroaching Temper, which all *Europe* is sensible of: and being of the same Religion with the *Spaniards*, and having of late Years set up for the Champions of Popery, they will by the Influence of the Clergy, bring all the Spanish Settlements of *America* to a dependance upon them, and a love for them as the great Protectors of the Catholick Faith; which will at once destroy the Interest of *Spain* in *America*.

This

This will appear to be no vain Speculation, to those that consider the Temper of the Popish Clergy, and the Insolence of the Spanish Inquisitors, who so daringly reflected upon the late Alliance of Spain with Protestant Princes and States, tho' absolutely necessary to preserve that Nation from being swallow'd up by France.

Whereas the Scots being zealous Protestants, and for that very reason hateful to the Popish Clergy and Laity, they are under a moral Impossibility of having so much Influence to withdraw the American Settlements from the Obedience of Spain: And besides, being under an Obligation by the Principles of their Religion, and their fundamental Constitution, not to invade the Property of another, the Spaniards have no cause to fear any thing from them, provided they forbear Hostilities on their part: but on the contrary may find them true and faithful Allies, and useful to assist them in the defence of their Country, if attack'd by the French as in the late War: it being the Interest of the Scots as well as of the Spaniards, to prevent the Accession of the Crown of Spain to that of France.

These things, together with the known Endeavours of the French to procure an Interest amongst the Natives of that Country, and especially with Don Pedro and Corbet, in order to a Settlement, make it evident enough that it is the Interest of Spain the Scots should rather have it than the French, who have already been tampering with the Spaniards as well as with the Indians, and doubt not to have a large share of America whenever the King of Spain dies.

But admitting that the Spaniards should so far mistake their Interest, as to accept of the Proffers of the French to expel the Scots, it is not impossible for the latter to find other Allies than the English to assist them with a Naval Force to maintain their Possession.

The Dutch are known to be a People that seldom or never mistake their Interest: They are sensible how useful the Alliance of Scotland may be to them, both in regard of their Liberty to fish in our Seas without controul, and of being a Curb upon England, in case the old Roman Maxim of *delenda est Carthago*, should come any more to be apply'd by the English to that Republick, as in the Reign of King Charles II. They are likewise sensible of the Advantage it would be to their Trade to be Partners with the Scots at Darien; and how effectual it may be to disable the French to pursue their Claim to Spain, and by consequence to revive the old Title of that Crown upon their own Seven, as well as to swallow up the other Ten Provinces. These things, together with a long continu'd Amity and Trade betwixt Scotland and Holland, and their Union in Religion and Ecclesiastical Discipline, are sufficient to evince that the Dutch will become our Partners in America with little Courtship. That they are able to assist us in that case with a Naval Force sufficient, is beyond contradiction; and that they would soon be convinc'd it is their Interest to do it, to prevent that monstrous Increase of the French Monarchy, is obvious enough from the Part they acted in the late War.

But admitting that none of these Considerations should prevail with the Dutch, and that they should likewise abandon us; it is not impossible for us to obtain an Alliance and Naval Force from the Northern Crowns: It's well enough known that those Kingdoms abound with Men and Shipping, and that they would be glad with all their hearts to make an Exchange of these for the Gold and Silver of America, which they might easily carry from Town to Town, and from Market to Market, without the Trouble of a Wheelbarrow, as they are now oblig'd to do with their Copper. From all which it is evident enough that it is not impossible for the Scots to maintain themselves in Darien without the Assistance of England.

The next thing to be discours'd of is, what the Consequences may probably be, if the English should oppose us in this Settlement.

We could heartily wish there had never been any ground for this Suggestion, and that the Opposition we have met with from England had been less National than that which we had from both their Houses of Parliament, after the passing an Act for an African Company, &c. in ours: and it were to be wish'd that so many of the English had not given us such Proofs of an alienated Mind and Aversion to our Welfare, as they have since by their Resident at Hamborough, and their late Proclamations in their West-India Plantations: and we could have wish'd above all that is Majesty of England had not in the least concurr'd, or given his Countenance to that Opposition; for as King of Scots it is plain he could not do it; he hath condemn'd what we have done by the touch of his Scepter, which no private Order

More for the Interest of Spain for the Scots to have Darien than the French. Scots may find Allies to assist 'em besides the English. Th: Dutch would do it, and why.

The Consequences of the English opposing the Scots Settlement at Darien.

or Instructions can revoke. And we could wish that his English Counsellors, who put upon him those things, would remember that *Strafford* and *Laud* lost their Heads for giving King *Charles I.* that fatal Advice of oppressing and oppoling the Scots.

The Scots
deserv'd
better
Treatment
from the
English.

We did verily think that the suffering of our Crown to be united with that of England in the Person of King *James* their First, and our Sixth; our seasonable coming to the rescue of their expiring Liberties in the Reign of King *Charles I.* our being so instrumental to rescue them from Anarchy and Confusion, by the Restoration of King *Charles II.* and above all, our generous and frank Concurrence with them in the late happy Revolution, and Advancement of King *William III.* I say, we verily thought all these things deserv'd a better Treatment; and to evince that they did, we shall beg leave to insist a little upon the first and last.

Why Hen. 7.
of England
chose to
match his
Daughter
to Scotland
rather than
France.

The English have no Cause to think that we were ignorant of the Reason why their politic *Henry VII.* chose rather to match his eldest Daughter with the King of Scots than with the King of France, because he foresaw that if the King of Scots should by that means come to the Crown of England, he would remove the Seat of his Government thither, which would add to the Grandure and Riches of England: Whereas if the King of France did by that means fall Heir to the English Crown, he would certainly draw the Court of England to Paris. This the Scots were so far from being ignorant of, that many of the Nobility and Gentry did express their dislike of the Union of the Crowns, as well knowing that it would reduce our Kingdom into a Subjection and Dependence upon England, and drain us of what Substance we had; and therefore some of them express'd themselves on that occasion, that Scotland was never conquer'd till then. Yet such was our Zeal for the common Welfare of the Island, the Interest of the Protestant Religion, and of Europe in general, which were then almost in as much danger by Spain as they had been since by France, that we quietly and freely parted with our King, and suffer'd him to accept the English Crown, rather than that Nation should be involv'd in War and Confusion, and the Protestant Religion indanger'd by another Successor, as it must necessarily have been, had the Infanta of Spain, whose Title was then promoted by the Popish Interest, succeeded. And all the Reward we had for this Condescension and Kindness, was a contemptuous and disdainful Refusal, on the part of England, of an Union of the Nations when propos'd, tho the same would visibly have tended to the benefit of the whole Island, the general advantage of Europe, and the security and increase of the Protestant Interest. And our King was so little thankful on his part, that tho he promis'd solemnly in the Great Church of *Edinburgh* before his Departure, that he would visit his antient Kingdom once in three years, he never saw it after but once, and that not till fourteen Years after. And by the influence of that same Faction in England, who are still our Enemies, he made Innovations both in Church and State, contrary to the Laws of the Land, and his own solemn Oath; which laid the Foundation of all those Disasters that ended in the fatal Exit of his Son, and the Subversion of the Government of both Nations. These were the first Advantages we had by the Union of the Crowns.

R. Ch. I.
was influ-
enc'd by
English
Counsellors
against the
Scots.

His Son King *Charles I.* had scarce ascended the Throne, when we had new Proofs of the Disadvantages we labour'd under by that Union; for he, by the Advice of some Enemies to our Nation, did in an imperious and arbitrary manner send for our Crown, tho the only Monument almost left us of our Independency and Freedom; but was generously answer'd by him that had it in keeping, That if he would come and be crown'd in Scotland, he should have all the Honour done him that ever was to his Ancestors; but if he did not think it worth his while, they might perhaps be inclin'd to make choice of another Sovereign, or to that effect, as recorded in the Continuation of Sir *Richard Baker's* History. Another Disadvantage we had by that Union of the Crown, was this, That that unfortunate Prince being inspir'd with an Aversion to the Constitution of our Country, by his Education in the Court of England, he made an unnatural War upon us to bring us to a Conformity with England in Church-matters. We shall not here offer to debate which of the Churches was best constituted, or most agreeable to the Scripture-Pattern: It suffices for our Argument, that we were injur'd in having a foreign Model offer'd to be obtruded upon us, which was the Consequence of the Union of the two Crowns, and of having our King educated in another Nation; but that was not all, another mischievous effect of the Union was this, That whatever King *Charles* had deserv'd at our hands, yet out of natural Affection, Conscience

ence and Honour, we were oblig'd to do what we could to prevent his illegal Trial and Death, and to defend his Son's Title, which threw us into Convulsions at home, occasion'd us the Loss of several Armies, and expos'd our Nation afterwards to Ruin and Devastation by our implacable Enemy the Usurper; which together with the ungrateful Retributions made us by the Government after the Restoration, were enough to have weary'd any Nation under Heaven, but our selves, of the Union of the Crowns.

Yet such was our Zeal for the Protestant Interest, the Welfare of the Island, and the Liberty of Europe, that tho we had a fair opportunity of providing otherwise for our Security and the Advancement of our Trade, and of forming our selves into a Commonwealth, or of bringing England to our own Terms; yet we frankly and generously concur'd with them to settle our Government on the same Persons, and in the same manner as they did theirs: and all the Reward we had from them is, that an Union of the Nations, tho twice propos'd by his Majesty in Parliament, hath been contemptuously rejected, our King question'd by a Parliament of England for an Act of his Parliament in Scotland, which is a manifest Impeachment of our Sovereignty; a Compliance with which excluded Baliol and his Heirs for ever from our Crown: and to this they have added an opposition to our receiving foreign Subscriptions at *Hamburg*, and elsewhere, refus'd us a Supply of Corn for our Money to relieve us in our Distress, and discourag'd our Settlement at *Darien*, by forbidding their Subjects to trade with us there. If these continu'd Sights and Injuries be not enough to make us weary of the Union of the Crowns, let any Man judge.

To discover a little of the Unreasonableness of this sort of Treatment, we dare appeal to the calm Thoughts of such of our Neighbours in England, as prefer the Interest of the Publick to private Animosities, and foolish ill-grounded Piques, either as to Church or State; whether at the time of the Revolution, and before we declar'd our selves, they would not have been willing to have assur'd themselves of our Friendship, at the rate of uniting with us as one Nation? Had we but demur'd upon forfeiting the late King *James*, or made but a Proffer of renewing our antient League with *France*, and joining with that Crown to keep that Prince upon the Throne of *Great Britain*; they know we might have made what Terms we pleas'd with the late King and *Lewis XIV.* on that condition, and might have been restor'd to all the Honours and Privileges that our Ancestors enjoy'd in *France*, which were almost equal to those of the Natives; and yet that gallant Nation thought it no Disparagement to them, however we be despis'd and undervalu'd now by a certain Party in England.

Had we but seem'd to have made such Overtures, the English must needs have foreseen that the natural Consequences of such a Design, if it had taken effect, must have been these, viz. the late King's Adherents in England would certainly have join'd us, and our Nation would have afforded them a safe retreat, in case of any Disaster, till they could have concerted Matters to the best Advantage; the late King would not have yielded himself such an easy Conquest, nor disbanded his Army in such a manner as he did; Ireland had certainly never revolted, since every one knows that the Revolution was begun, and in a great measure perfected there by the Scots of the North: so that England must have become the Theatre of War, been liable to an Invasion from *France* on all Occasions, would only have strengthen'd her Fetters by struggling with them, and expos'd all the Patriots of her Religion and Liberty to Butchery and Destruction.

These must certainly have been the Consequences of our adhering to the late King, and the English would have thought they had had a very good Bargain if they could have bought us off in that Case with uniting both the Kingdoms into one, and granting us a joint Trade to their own Plantations; whereas now they will not allow us to settle a foreign Colony of our own, and treat us as Foreigners in theirs.

To shew that this is not a mere Conjecture, that has no other ground but a Vision of the Brain, they may be pleas'd to consider the honourable Privileges granted us by their Ancestors, and some of the greatest Princes that ever sway'd their scepter, viz. King *Edward* and *William the Conqueror*, who by the Consent of the states in Parliament assembled, enacted, That the Scots should be accounted Denizens of England, and enjoy the same Privileges with themselves, because of their frequent Intermarriages with the English; and that they did ever stand stoutly as one Man with them in the common Utility of the Crown and Kingdom, against the Danes and Norwegians,

An Union of the Nations has been rejected by England.

The Unreasonableness of such Treatment.

The Consequence if the Scots had join'd with France at the Revolution.

fought it most valiantly and unanimously against the common Enemy, and bore the burden of most fierce Wars in the Kingdom. This they will find in a Book, call'd, *Archæologia*, translated from the Saxon by William Lambard, and printed at London by John Day in 1568.

The Scots
were ready
to assist
England in
Distress.

It must be granted, that the Reasons of such a grateful Retribution are redoubled now: Intermarriages betwixt the two Nations are more frequent than ever; the Union of the Kingdoms under one Crown for almost an hundred Years; the generous Concurrence of the Scots in the last Revolution; the Loss of so many gallant Officers and brave Soldiers in the common Cause during the late War, and the Preservation of Ireland, which hath been twice owing to our Countrymen, might reasonably entitle us to the same Privileges now that our Ancestors were formerly allow'd by King Edward, and William the Conqueror. We need not insist on another sort of Obligation, that we have put upon England twice within these sixty Years, viz. The delivering them from their Oppressions in the time of King Charles I. the Anarchy of the Rump, and several Models of Armies and Juntos, by encouraging General Monk's Undertaking: for it cannot be deny'd that we had the Ballance of Europe in our hands at the time of the last Revolution, and that we turn'd the Scale to the advantage of England in particular, and of Europe in general; which must be allow'd to be as great a Service, as that which was so thankfully rewarded by Edward, and William the Conqueror. Whence it is evident, That those Englishmen, who at present oppose our Settlement in America, don't inherit the Gratitude of their Ancestors, when they not only will not allow us to trade in conjunction with them, but withstand our doing any thing that may advance a Trade by our selves.

If they object that what we did in all those Cases was no more than our Duty, and what we ow'd to our own Preservation as well as to theirs: It is easy to reply, That admitting it to be so, yet by the Laws of God and Men People are encourag'd to perform their Duties by Rewards; and their Ancestors were so sensible of this, that tho they knew we were equally concern'd to defend the Island against foreign Invaders as well as they, yet they thought themselves oblig'd in Policy as well as Gratitude to reward us; which they not only did by that honorary Premium of allowing us to be Denisons of England, as above-mention'd, but sometimes gave to us, and at other times confirm'd to us the three Northern Counties of Northumberland, Westmoreland and Cumberland, to be held in Fee of the Crown of England.

The Parliament in K. Char. I's time treat-ed 'em with Honour.

It is likewise very well known with how much Honour the Parliament of England treated us, when they courted our Assistance against King Charles I. and what large Promises that Prince made us, if we would have but stood Neuter; which tho we had reason to think many of those that oppos'd him had no great kindness for our Civil nor Ecclesiastical Constitution, yet the sense that we had of the common Danger that our Religion and Liberties were in at that time, made us proof against all those Temptations: so that after all Endeavours for a Reconciliation betwixt the King and the Parliament of England prov'd unsuccessful, we sent in an Army, which cast the Ballance on the side of the latter; who before that time were reduc'd low enough by the King's Army, as is very well known to such as are acquainted with the History of those times, and is own'd by my Lord Hollis in his Memoirs lately publish'd.

None could have blam'd 'em if they had stood upon Terms at the Revolution.

But to return to the last Revolution: Tho we must own that we owe our Deliverance to his present Majesty, and were oblig'd in Conscience and Honour to concur with him; yet who could have blam'd us to have stood upon Terms before we had fallen in with England? especially considering how ungratefully (nay villainously) we were treated by Cromwel and his Party, after we had sav'd them and the Parliament of England from the Scorpions that the Cavaliers had prepar'd to chastise them with, as is own'd by the said Lord Hollis. Nor could we have been any way culpable, if we had stood upon higher and surer Terms with his Majesty, considering how unthankfully we were abus'd and enslav'd by our late Kings, for whom we had acted and suffer'd so much. And tho we must own that no less Present than that of our Crown was sufficient to testify our Gratitude for what the Prince of Orange had done for us, yet we were under no necessity of gratifying him in that mann'r, since our Deliverance was effected beforehand, and that he himself in his Declaration express'd it to be no part of his Design to come for the Crown; so that our Reward was as frank and generous as his Service.

Then as to England, we were under no manner of obligation to continue the Union with them: We might have insisted upon having our King oblig'd to reside as much

much amongst us as amongst them; that we should be govern'd without any consideration or respect to their Interest, any further than it fell in with our own. We might have insisted upon an Act that we should not be oblig'd to attend his Majesty at any time at the Court of *England*, about our Affairs; but that he should either attend upon our Administration in Person *pro re nata*, as he does now upon the Affairs of *Holland*, or lay down Methods to have his Pleasure signify'd to us at home in such Cases as it was requir'd; which would save a vast deal of Money annually to the Kingdom of *Scotland*. Then as to the Succession, we were under no necessity of settling it in the same manner as they did in *England*; for since they had made a Breach in the Line, they could not handsomely have blam'd us to have made an Improvement of it, and either to have limited the Reversion after his present Majesty's Death, as we should have thought best, for the security of our Civil and Religious Liberties; or we might have settled it upon the Prince of *Orange* and his Issue by any other Wife, there being cause enough then to conceive that he was never like to have any by his late excellent Princess. Had we taken any of these Methods, it must be own'd that *England* would have been considerably weaken'd, and lessen'd in the Esteem of the World by it; that we should have thereby had an Opportunity of making such foreign Alliances with *France* as formerly, or with any other Nation as would have made *England* uneasy, and perhaps unsafe, on occasion. And therefore it must be reckon'd highly impolitic, as well as ungrateful, in our Neighbours to treat us continually at such a rate, as if they had a mind to bring us under subjection, since we have so many open Doors to get out at.

They were under no Obligation to continue the Union with *England*.

They must not think that we have so far degenerated from the Courage and Honour of our Ancestors, as tamely to submit to become their Vassals, when for 2000 Years we have maintain'd our Freedom; and therefore it is not their Interest to oppress us too much. If they consult their Histories, they will find that we always broke their Yoke at long-run, if at any time we were brought under it by Force or Fraud. The best way to assure themselves of us is to treat us in a friendly manner; tho' we be not so great and powerful as they, it is not impossible for us to find such Allies as may enable us to defend our selves now as well as formerly.

They are not degenerated in their Courage.

None of these things are suggested with an ill design to raise Animosity betwixt the Nations, or to persuade to a Separation of the Crowns, but merely to shew those of our Neighbours, who use us so unkindly, that they are bound in Gratitude, Duty and Interest, to do otherwise, and particularly to support us in our *American* Settlement, and not to lay our King under a necessity, by their froward Humours in Parliament or otherwise, to discourage us in that Undertaking, as they have hitherto done, and continue still to do in their *American* Colonies, by their Proclamations against having any Commerce or Trade with the *Scots* at *Darien*; tho' they be settled there according to the Terms of his own Patent, and an Act of Parliament in *Scotland*.

We are not insensible that the present Juncture of Affairs obliges the Kingdom of *England* to carry fair with *Spain*, and may admit that in part as an Apology for some of that Opposition we have met with from them; but the questioning our Act of Parliament at first, and their hindring our Subscriptions at *Hamburg* afterward, before ever they knew what our Design was, make that Excuse of little weight: but allowing it all the force they would have it to bear, it may be worth their while to consider, whether it be more their Interest to encourage the *Spaniards* in an unjust Opposition to our *American* Settlement, or to support the *Scots* in maintaining their Right. It is certain that the *Spaniards* are in no condition to break with *England*; or if they should, it's in the Power of the *English* to reduce them speedily to reason: whereas if the *Scots* should miscarry in their Undertaking by the Discouragements from *England* before-mention'd, which expose our Ships to be taken and treated as Pirates by any Nation that pleases, the infallible Consequence of it will be, that the Ruin and utter Impoverishment of *Scotland*, which must necessarily follow such a Miscarriage, will immediately affect *England* both in Trade and Strength. The City of *London* and the Northern Road will soon feel the Effects of it, when the Money spent by our Gentry and Merchants continually for Clothes, Provisions and Goods, ceases to circulate there: *England* must unavoidably become an easier Prey to any foreign Enemy, since it will not be only the loss of a Tribe, but of an intire Sister Nation. Or supposing that *Scotland* should be able to bear up under the Loss, it will lay the Foundation of an irreconcilable feud, and perhaps issue in a War betwixt the two Nations; which did never yet terminate at long-run to the advantage of *England*, and is as unlikely to do so now

England oblig'd to carry it fair with *Spain* at present.

If *Scotland* miscarries in their Settlement, *England* will feel it.

as ever: for in such a Case they would find us unanimous as one Man against them; whereas we are sure that all those who wish well to the Protestant Interest, and their present Constitution, would never join in any such War against us; and therefore those who are Enemies to the Peace of the Nations, being aware of this, labour to effect their Design by another Method, and endeavour as much as they can to dash the Government and us against one another. But they are mistaken in the People of *Scotland*; we are so sensible of our Obligations to King *William*, and know so well what is due to our Deliverer, that it surpasses all their Art to create in us the least ill Thought of him; it is not in the Temper of our Nation. The World knows that however frequent and successful we have been in reducing our bad Kings to reason, yet there never was any People under the Sun more loyal and affectionate to good Princes than we have been; and if, when we have been forc'd to oppose our Monarchs, private Persons have sometimes carry'd their Resentments too high, yet the publick Justice of the Nation was always govern'd with Temper. We could multiply Instances to prove this, but need go no higher than the three last Kings, who tho' all of them Enemies to our Constitution, as appear'd by their Principles and Practices; yet it's very well known what we both did and suffer'd for them, and particularly for King *Charles I.* tho' the Malice of a Faction in our neighbouring Nation fix'd a scandalous Reproach upon us, as if we had sold him: from which Reflection we are sufficiently vindicated by the Lord *Holles's* Memoirs before-mention'd; wherein that excellent Person makes it evident, that tho' our War against that Prince was just, yet we had all possible respect for his Person, made the best Conditions we could for his Safety and Honour, and to avoid greater Mischiefs, and the playing of our Enemies Game to the ruin of our selves and his Majesty, we were necessitated to leave him in *England*. *Memoirs,* pag. 68.

Their Enemies can't make a Breach between 'em and K. W.

Then since we carry'd it so to a Prince that had been no way kind to us, it will be impossible to create a Breach betwixt us and a Prince, to whom, under God, we owe all that we enjoy as Men and Christians: But at the same time our Neighbours, who think to drive that Nail as far as it will go, would do well to consider that we never believ'd that Doctrine in *Scotland*, that it is unlawful to resist a King, or any that have a Commision under him, upon any pretence whatsoever. We left that Doctrine in *Scythia*, from whence some Authors derive our Origin, and think it only fit to be sent back to *Turkey*, from whence it came. We know very well how to distinguish betwixt a lawful Power, and the Abuse of it; and our Ancestors rightly understood how to obey the lawful Commands of their Princes, when Masters of themselves, and how to govern by their Authority, and in their Name, when they were not; tho' they did not think themselves oblig'd to obey their personal Commands, when the Fortune of War, or other Accidents had put them into the hands of our Enemies. Thus we refus'd Obedience to King *James I.* when detain'd Prisoner in *England* contrary to the Law of Nations, and carry'd over into *France*, to command his Subjects there not to bear Arms against the *English* Army, where he was in Person. We told him we knew how to distinguish betwixt the Commands of a King and those of a Captive: and that most of the Kings of *Scots* have been such in relation to us since the Union, we could heartily wish were not too demonstrable.

They will not go so far as to promote Hostilities between us.

To return to the point of what may probably be the Consequences if the *English* should proceed to any further degree of Opposition, or if the *Scots* should miscarry in the Design. It's reasonable to believe that the *English* will be so wise as to forbear Hostilities, tho' we are very well satisfy'd there's a Party in that Nation who bear ours no good Will; but they being such as are either disaffected to the present Constitution, or act'd by a sordid Principle of private Interest, it's to be hop'd they will never be able so far to leaven the sound part of the *English* Nation, as to occasion a Rupture betwixt them and us: Yet we must needs say that we look upon their way of treating us to be a very unaccountable thing, and that it was no small Surprize to us, to find that an *English* Parliament should look on our taking Subscriptions in *England* in order to admit them Joint-Sharers with ourselves, in the benefit of the Act to encourage our Trade, to be no less than a high Misdemeanor. We have reason likewise to complain of their constant Practice of pressing our Seamen in time of War, as if they were their own Subjects, and that they should treat us in other respects as if we were Aliens; and sometimes confiscate Ships, by reckoning *Scots* Mariners as such: So that the *English* have not only depriv'd us of our Government and the warm Influences of our Court, the want

of which is a considerable addition to the natural Coldness of our Climate, but they likewise oppress us on all occasions, and do manifestly endeavour to prevent our Application to Trade. We know there's a Party in that Nation, who think we sustain'd no great loss by the removal of our Princes; but we would wish them to consider what a murmuring they themselves make when the King goes annually to the *Netherlands* (tho the Safety of *Europe* requires it) because of the damp it puts upon Trade, and the Money it carries out of the Kingdom. Let them consider then what our Nation has suffer'd in that respect now for almost an hundred Years, besides the lessening our Esteem in the Eyes of the World; so that our Honour and Substance are both swallow'd up by the Kingdom of *England*, and yet they will neither admit us to the Privileges of Fellow-Subjects with themselves, nor suffer us to take such measures as may enable us to stand on our own bottom. Certainly this is not the way to establish the Peace, nor to increase the Wealth of the Island.

We know that it was a Maxim in some of the late Reigns, That it would never be well till all that part of *Scotland* on this side *Forth*, were reduc'd to a hunting Field; but we were in hopes the bitterness of those days had been past: yet it seems that Party have still so far the Ascendant amongst our Neighbours, as to procure a publick Opposition to all our Endeavours for raising our Nation to Trade.

It will upon due examination be found as bad Policy as it is Christianity, to urge, as some of our Neighbours do, that it is the Interest of *England* to keep the *Scots* low, because they are an independent and free Nation, and were our ancient Enemies, and therefore may be dangerous Neighbours if they grow rich and potent. Nothing but Rancour and inveterate Malice can suggest such four Thoughts as these: It were fit that sort of Men should be purg'd of their Choler. The *Scots*, to obviate all Dangers from that Head, have, tho they be much the antienter Nation, condescended so far as several times to propose a Union, which the Gentlemen of that *Kidney* have hitherto prevented: and therefore we would wish them to look back into their Histories, and upon casting up their Accounts, make a true Estimate of whatever they gain'd by a War with *Scotland*. They will find that their Ancestors, as well as the *Romans*, have been sensible, as *Tacitus* expresses it, *Quos sibi Viros Caledonia seposuerit*; and that as it was true what our Historian says of the unjust and treacherous War made upon us by *Edward I.* that *Scotorum nomen pene deleuit*; it was also true what he says on the other hand; that *Angliam vehementer concussit*. So that those Gentlemen take the direct way by opposing and oppressing us to run into those Dangers they would avoid; for they may assure themselves that if the *English* Opposition to our *American* Settlement should once break out into Hostilities, the *Scots* will find some Allies, antient or new, that will be glad of the Opportunity to join with them. Or if, which is most probable, tho highly ungrateful and impolitic, the *English* should so far neglect the *Scots*, as to suffer them to be overpower'd by the *French*, they may be sure that the *Scots*, when put to their last shift, can always make an honourable Capitulation with *France*. It's not to be doubted, but that Crown would be very willing to renew their antient Alliance with us; and besides allowing us a share at least in the Trade of *Darien*, would, on condition of giving them the Possession of *New Caledonia*, restore us likewise to all our antient Privileges in *France*. They would think it a very good Purchase if they could secure themselves of that Colony by doing so, granting us what Security we could reasonably desire for the uninterrupted Enjoyment of the Protestant Religion, and a Freedom of Trade to all places of the World, where it did not actually interfere with their own Settlements and Colonies. So that if this should be the Case, we leave it to our Neighbours to judge what would become of their *East* and *West-India* Trade and Plantations, and of their own Liberty, and whether they would be able to stand out against *France* and us, now that they have no footing on the Continent; since formerly, when they had so many Provinces of that Kingdom in their possession, they found it a hard matter to do it, and at last lost every foot of their *French* Dominions: whereas had they been in Union with us, they might certainly have retain'd them, and by consequence have prevented the great Calamities that *Europe* hath since groan'd under by the prodigious Increase of the *French* Monarchy.

This we think sufficient to convince those angry Gentlemen in our neighbouring Nation, that are so very much disgusted with our *American* Settlement, that it is the Interest of *England* to join with us and support it, and that it may be of dangerous Consequence to them either to oppose or neglect us: Whereas by joining cordially in this matter, they may unite us inseparably to themselves for ever, in-
rich

Not the Interest of *England* to keep the *Scots* low.

And of dangerous Consequence to oppose 'em in their Settlement.

rich their own Nation, secure and advance the Protestant Interest, keep the Balance of *Europe* in their hands, and prevent the Returns of its Danger, their own Expence of Blood and Treasure, to save its being threatned with Slavery any more, either by the House of *Bourbon* or *Austria*. Therefore we cannot believe after all, but our wise and politick Neighbours will at last see it their Interest to protect and encourage us in this matter, that we may mutually strengthen and support one another against the *French*, who are loudest in their Clamours against our Settlement, because if encourag'd and improv'd it will defeat all their ambitious and Antichristian Designs; and thereby we shall also be in a condition to assist the *English* Plantations in the *West-Indies*, who, as we find by the Proceedings of the Earl of *Bellomont* and the Assemblies of *New-England* and *New-York*, are sufficiently sensible of their Danger, from the incroaching Temper of the *French*, which increases every day: and it is evident that their new design'd Colony in *Mississipi* River looks with a dangerous Aspect upon all the *English* Plantations in *America*, and may be more justly esteem'd an Incroachment upon *Spain*, as being in the Bay of *Mexico*, than our Plantation in *Darien*: Which argues the treacherous Humour of that Nation, to make such an Outcry against the *Scots* who have invaded no Man's Property, when they themselves are so notoriously guilty of it; and therefore it would seem to be the Interest of *England* rather to strengthen themselves by our Friendship, and to look after the *French*, than to provoke us to look out for other Allies by their Opposition and Neglect.

Arguments to shew it the Interest of England to join with the Scots in it. We shall conclude this matter with one or two more Arguments to prove, That it is the Interest of *England* to join with us in this Affair: by which also it will appear that there is nothing advanc'd in these Sheets out of any ill Design against the *English* Nation, or to persuade to a disuniting of the Crowns; but on the contrary, that a stricter Union is absolutely necessary, that both Nations may have but one Interest, which will render us less liable to Convulsions, and intestine Commotions at home, and put us out of danger of being attack'd by Enemies from abroad.

They will thereby secure their Shipping on thoye Coasts. The first Argument is this; That by encouraging our Settlement at *Darien*, *English* Ships that have occasion to pass by those Coasts will there be certain of a place of Retreat, in case of attack either by Enemy or Tempest, without danger of being confiscated by the *Spaniards*, and having their Men condemn'd to be perpetual Slaves in the Mines.

Will help to consume the English Product. 2. If we be encourag'd in our *American* Colony, it will contribute much to heighten the Consumption of the *English* Product; since what we have not of our own, and wherein we are wanting either as to Quality or Quantity, we shall supply our selves, for the use of our Plantations, in *England*: which may be of great benefit to the Northern Counties especially, whence we may conveniently furnish our selves with Beeves for victualling our Ships, our own Cattel being for the most part too small for that use; besides many other things that we shall have occasion to export from *England* for the use of the Plantation, and to maintain a Commerce with the Natives.

Shorten their Voyages to the E. Indies. 3. By joining with us in this Colony, and securing a Post on the South-Sea, which the Princes of *Darien* will no doubt very readily agree to, they may shorten their Voyages to the *East-Indies*, and by that means be able to outdo all their Rivals in that Trade. But if they will be so far wanting to themselves, as to suffer those Advantages to fall into the hands of others who are Enemies to our Religion and common Country, they cannot blame the *Scots*, who have made them such fair Offers; and if our Nation should miscarry in the Attempt, they themselves cannot expect to stand long, but must be bury'd in the common Ruins, and fall unpitied.

If they will not, the Scots may procure Alliances in other Parts. 4. If after all the *English* should continue obstinate in their Opposition to us, as their late Proclamations in *America*, and other Passages would seem to imply they have a mind to, the World cannot blame the *Scots* to provide for themselves by such other Alliances as they shall think meet; since the *English* are so unkind, and have been constantly growing upon us, especially since the Restoration of King *Charles II.* to which we did so much contribute, that without our Concurrence it could never have been effected. This will appear to be incontrovertibly true, if we consider that in the time of King *James I.* we were under no Restrictions as to matters of Trade more than they, except as to the Exportation of Wool, and a few other things of *English* Product; and so we continu'd till the Restoration, when King *Charles II.* and the *English* did very ungratefully lay such Preclusions and Restrictions upon us contrary to the Laws relating to the *Postnati*, by the 12th of *Car. 2.* For the encouraging and increasing Shipping and Navigation, and the 15 *Car. 2.*

for the Intercourse of Trade; by which we are put in the same Circumstances as to traffick with *France* and *Holland*, and in a worse condition than *Ireland* that is a Conquest. Which is so much the more unreasonable, since we are always involv'd and engag'd in the Wars between *England* and other Countries: and those with whom they have most frequent Wars, being *Holland* and *France*, the only two Nations with whom the *Scots* have almost any Commerce, our Trade must of necessity sink during such Wars, whereas *England* hath still a great Trade to other parts of the World; and by this means we are forc'd to be sharers in their Troubles, tho they will not allow us to partake of their Profits, nor suffer us to take any Measures to procure such as we may call our own.

It is plain from the Instance of *Darien*, and the Proclamations in the English American Colonies, against their Subjects entertaining any Commerce with our Settlement there, that by the Union of the Crowns upon the present footing, we are in a worse condition than ever; for when any thing happens wherein the Interest of *England* seems to be contrary to ours, it is certainly carried against us, and we are left without Remedy. So that in this respect we are in a worse condition than any Foreigners, with relation to *England*; for if a Foreign Prince discover any thing that may be of advantage to them, they are at liberty to pursue it by themselves, or to take in the assistance of others: and if they find themselves aggriev'd by *England*, they have their respective Governments to make Application to for Redress. But we are the most unhappy People in the World; for if *England* oppose us, we have no King to appeal to, but one that is either an Alien and Enemy to us, as being King of a greater People who are such; or if he be inclinable to protect and do as Justice as King of *Scots*, he is a Prisoner in *England* and cannot do it: If they question him in the Parliament of *England* for any thing relating to his Government of *Scotland*, as in the Case of our late Act for an *East India* and *African* Trade, his Interest as King of *England*, obliges him to submit himself as King of *Scotland*; by which means our Crown, which we defended so gallantly for so many Ages, and which the *English* could never make subject to theirs by Force, is now intirely subjected by a false step of our own, in suffering our King to take their Crown upon him, without making better Terms for our selves: So that instead of having a King to fight our Battels, we have made a surrender of our Prince to the Enemy, who arm him against us; and which is worst of all, we have falsify'd our own Proverb as to our selves, *That Scots-men are wise behind-hand*: for tho we sufficiently smarted for it in the four last Reigns, yet we had not so much foresight or care of our selves as to prevent the Consequences of it in this Reign, when it was in our Power to have done it. Then if we make Application to our intire Allies, or any other Foreign Power for Assistance, when we groan under Oppression, we are treated as Rebels: Thus our whole Nation was proclaim'd such, for but offering to make Application to the King of *France*, as our antient Friend and Ally, when a certain Party in *England* had arm'd our natural Sovereign King *Charles* the First against us. And that which is still worse, tho our Crown from the time of the Union has been for the most part on the Head of an Alien or Enemy, yet it has influence enough to divide us amongst our selves against the interest of the Nation; as in the Reign of King *Charles* the Second, those that employ'd with the Court of *England*, were brib'd with all the chief Places in our Administration, whilst those who were true Patriots to their Country (as for Honour sake to instance only in the late Great Duke of *Hamilton*, and our present ord High Chancellor) were expos'd to all manner of Dangers and Vexations. This we think sufficient to convince our Neighbours that we have no reason to be led of having the Union of the Crowns continu'd, except the Interest of the Nations be more closely united than ever they have hitherto been. And to let them see that it is their Interest as well as ours it should be so, we shall only desire them consider how fatal it may be to them, if by any Emergency we should be forc'd break off the Union of the Crowns, and enter again into a *French* Alliance. 'Tis in vain for them to object that in such a Case we should betray our Religion; for we see the persecuted *Hungarians* were protected in that by the *Turks*, tho our Enemies to it: Nor is it impossible but there may be a Change as to that matter in *France*; *Louis* XIV. is not immortal: And even *Julian* the Apostate himself found it his Interest for some time to protect the Orthodox Christians, whom he mortally hated. But supposing (as indeed there's no great likelihood of) that no such Alliance as this should ever happen; yet however, if these two Nations be not more closely united, it may be of ill Consequence to *England* if any

of their Kings at any time should be so far disgusted with their Proceedings, as to leave them, and betake themselves to us. What a Field of Blood and Slaughter must *England* have become, had we carry'd off King *Charles* the First when he came to our Army, or if we had join'd him against the Parliament of *England*? What great Efforts did a Party of our Nation make to introne King *Charles* the Second, when *England* was against him? and how did our Concurrence afterwards with General *Monk* effect it? And how soon did our espousing the Duke of *York's* Interest, turn the Tables upon those that oppos'd him in *England*? And if our Nation had likewise espous'd his Cause before the Revolution, the Viscount of *Dundee* gave a sufficient Proof what he could have done for him. There's a strong Party in *England* at present against allowing the King a Standing Force, for fear, as they pretend, of losing their Liberties; but all their Opposition in that respect would signify little if (in case of a Rupture) our Nation should take part with the Court, and bring in 22000 Men, with six Weeks Provisions and Pay, as we are oblig'd to do by Act of Parliament, for his Assistance. This makes it evident, that it is not the Interest of *England* to slight an Union with us so much as they have done: for so long as we remain divided, any King that is so minded, may make use of us to enslave one another; and any envious Neighbour, whose Interest it is to keep this Island low, will be sure to blow the Coals. If they'd but turn the Tables, and make our Case their own, they would quickly be satisfy'd of the Truth of what we advance. Suppose that the Government of *Scotland* should traverse the Actings of the Government of *England*, in relation to their Trade, &c. as they have done ours; and supposing that a Parliament of *Scotland*, when the King were there, should question him for the Navigation Act, and that for the incouragement of Trade in *England* by King *Charles* the Second, which lays us under such hard Circumstances and Restrictions, the *English* would certainly very much resent it, and speedily tell us we meddle with what did not belong to us: Then why should they deny us the like liberty in reference to their Proceedings against us, seeing we are a free Nation as well as they?

The Proclamation in the West-Indies against their Settlement was procur'd by Force upon the King.

They cannot think that the Kingdom of *Scotland* will look upon the *English* Proclamations in the *West-Indies*, against having any Commerce with our Colony at *Darien*, to be the Act and Deed of a King of *Scotland*, since it is not only contrary to his own Act of Parliament there, and his Patent under the Great Seal of that Kingdom, but contrary to the Interest of that Nation: but being the Act of a Person who is really King of *Scots*, we can look upon it to be no other than the Effect of a Force put upon him by a Nation which in this Matter thinks it their Interest he should do so. Now suppose, which God forbid, our Colony should be starv'd by virtue of those Proclamations, or that our Ships going and coming from *Darien*, should by reason thereof be attack'd, and treated as Pirates by the *English*, *French*, *Dutch*, or any other Nation, who may take the opportunity to do it, and say our King has declar'd against us; to whom should we make Application for redress in this Matter? The King of *England*, he is our Enemy and emitted those Proclamations; the King of *Scots* is detain'd in *England*, and not Master of himself, but is forc'd to act thus contrary to the Interest of his own antient Crown and Kingdom; as a former King *William*, *John Baliol*, and *James I.* were forc'd to do, when in the Power of the *English*. In such a case, if our Infant Colony should by this means be destroy'd, our Neighbours must needs think that we should look for a Compensation somewhere, resume the Government into our own hands, and strengthen our selves by new Alliances; which perhaps might be little to their advantage. This is not suggested as a thing that is ever likely to be practis'd, or to which the Kingdom of *Scotland* is any way inclin'd: Our whole Conduct since the Union is a continu'd Evidence of the uprightness of our Intentions towards *England*; and the Offers we did make, and do still continue to make, of admitting them as Partners and Sharers in our new Settlement, are enough to stop the Mouth of Calumny it self. But if in return of our Kindness we meet with Neglect and Contempt, have our Sovereignty trampled under-foot, our Settlement in *America* by an Act of Parliament in *Scotland*, reflected upon as unjust by Proclamations from *England*, the World cannot blame us to complain of the Violence done to our Independency and Honour; which is not to be salv'd by any politick Considerations whatever, that our Neighbours can pretend for this Treatment.

Nor can any thing less than joining with us, and protecting that Settlement against all Opposition in case of Attacks by the *French*, or others, sufficiently atone for

for what's already done, or heal the Wound those Proclamations have given to the common Interest and Honour of the Island.

We come in the next place to give a Description of the *Isthmus of Darien*. It *Darien de-* lies betwixt the 8th and 10th Degrees of Northern Latitude, and in the narrowest *scrib'd in* place is betwixt 60 and 80 *Italian Miles* over. We shall not trouble our selves *its Situation* with the Description of any more of it than is in the Possession of the Natives, which is in length, from East to West on the North side, from the Mouth of the River *Darien* to Port *Scrivan*, above 140 *Italian Miles*; from *Caret-Bay* to the River of *Cheapo* on the South side, it is about 160 in length. It is suppos'd to take its Name from the great River of *Darien*, that bounds its Northern Coast to the Eastward. It's bounded on the North and South with the vast Oceans that carry the Names of the *North* and *South-Seas*. Its Situation is very pleasant and agreeable, and very commodious for a speedy and short Communication of Trade betwixt the North and South Seas, and preventing that vast Compass that must otherwise be fetch'd round either of the Extremes of North and South-*America*. By this means also it lies convenient for a speedier Communication of Trade betwixt *Europe* and the *East-Indies*, than any that hath hitherto been found out. Mr. *Dampier* says, that from *Cheapo*, or *Santa Maria* River, a Man may pass from Sea to Sea in three days, and that the *Indians* do it in a day and half. There are abundance of valuable Islands on both sides the *Isthmus*, which prevent the breaking in of the Ocean upon it at once: and besides the Conveniences of Wood, Fish, Fowl, and Water, afford good and safe riding in all Weathers to any number of Ships, especially those call'd the *Sambaloes* that lie along the Northern Coast. The Continent is agreeably intermix'd with Hills and Valleys of great variety, for Height, Depth, and Extent. The Valleys are water'd with Rivers, Brooks and Springs, which take their rise from a great Ridg of Hills that run along the *Isthmus*, but nearest to the Northern Shore, from which it is seldom above fifteen Miles distant, and from whence the *Sambaloes* Islands, and the various Makings of the Shore, and the continued Forest all along the Country, gratify the Eye with a very fine Prospect. The Rivers on the Northern Coast are generally small, because their Course from the abovemention'd Ridg of Hills is but short; yet the River of *Darien* is very large, but the depth of its Entrance not answerable to its width; yet further in it is deep enough, and hath a good Harbour in *Caret-Bay* which is some Leagues up the River, hath two Islands of pretty high Land, cloth'd with variety of Trees lying before it, and two or three Streams of fresh Water falling into it. From this Bay to the Promontory near *Golden-Island*, the Shore is indifferently fruitful, and the Soil on the Northern Coast is generally good, but swampy here and there to the Sea.

To the Westward of the Promontory, at the entrance of the River, is a fine *The Islands* sandy Bay with three Islands, one of them *Golden Island* lying before it, which *on the West* make it an extraordinary good Harbour. *Golden Island* is rocky and steep all round, except at the Landing-place on the South-side, so that it is naturally fortify'd. The Land of the *Isthmus* over against it to the South-East, is an excellent fruitful Soil. West of this Island lies the largest of the three, being swampy and cover'd with Maingroves. To the North of these lies the Island of *Pines*, cover'd with tall Trees fit for any use. From the Point against these Islands for three Leagues Westward, the Shore is guarded by Rocks, so that a Boat cannot land; but at the North-West end of the Rocks there's a very good Harbour, and good riding, as has been said, in all Winds, by some or other of those Islands, which with the adjacent Shore make a lovely Landskip off at Sea. The Channel betwixt hem and the *Isthmus* is two, three, and four Miles broad, and navigable from end to end; and the Ground opposite to them within Land an excellent Soil, and a continued Forest of stately Timber-Trees.

On the South-side there's the River *Sambo* that falls into the Sea by Point *Gara-* *The Bounds* *bina*; this is a large River. Then there's the Gulph of *St. Michael*, made by the *on the South* outlet of several considerable Rivers, as those of *Santa Maria* and *Congo*, and the *side* *old-River*, so call'd because of the great plenty of Gold Dust it affords to the *baniards*. The River *Congo* may be entred at High-water, and affords a good harbour. The Gulph has several Islands in it, and affords good riding in many places. The Country on this side, as on the other, is one continu'd Forest, and rms a Bay call'd the Bay of *Panama*, abounding with fine Islands, and affording

good Riding for Ships. The Soil of the Inland Country is for the most part a black fruitful Mold. The Weather is much the same as in other Places of the Torrid Zone in this Latitude, but inclining to the Wet extreme, for two thirds of the Year, the Rains beginning in April.

Its Trees.

The most remarkable of their Trees are the *Cotton-Tree*, which bears a Cod as big as a Nutmeg, full of short Wool or Down, and affords Timber for Canoes and Periagoes; they abound with stately *Cedars* and *Macaw-Trees*, which bear a Fruit as big as a small Pear, of a tart but not unpleasant Taste: *Bibby-Tree*, the Wood hard and black as Ink, and being tap'd, affords a Liquor call'd *Bibby*, of a pleasant tart taste, which the *Indians* drink. They have abundance of *Plantains* set in Walks, which make very delightful Groves, and yield an excellent Fruit; and being green and sappy, are cut down with one stroke of an *Ax*. They have also plenty of *Bonanoes* another sort of Plantain, which eats best raw as the Plantain does boil'd. They have great store of that excellent Fruit call'd *Pine-Apples*, which tastes like a Mixture of all delicious Fruits, and ripens at all times of the Year. They have also *Prickle-pear*, which is a very good Fruit; and *Sugar-Canes*, of which they make no other use but to suck out the Juice. The *Maho-Tree*, of which they make Ropes, Cables for Ships, and Nets for fishing. The *Calabash*, whose Shells serve for Cups and other Occasions, is curiously painted; the sweet sort of 'em is eatable, and the bitter sort Medicinal. They have also *Gourds* of the like nature. There's a Plant they call *Silk-Grass*, which resembles our Flax; this they beat into Strings like fine Flax, much stronger than our Flax or Hemp: of these they make Ropes, Cordage of all sorts, Nets for small Fish; and the *Spaniards* and others use it for Shoemakers Thred, Stockins, and a sort of Lace. They have a Tree call'd *Lightwood*, as large as an Elm, but so light, that a Man may carry a great quantity of it on his back. It is in substance like Cork, and made use of by the *Indians* for Rafters to go to Sea, or pass Rivers. They have a Tree call'd *Whitewood* of a finer Grain, and whiter than any *European* Wood, and fit for inlaying. They have *Tamarind*, *Locust Tree*, *Bastard Cinnamon*, *Bamboes*, and *Main-grove* Trees in plenty. They have Shrubs that bear store of Pepper of two sorts, call'd *Bell-Pepper*, and *Bird-Pepper*.

Mr. *Waser*, to whom we owe this Description, takes notice of a *Redwood*, whereof there grow great quantities on the Northern Coast; the *Indians* make use of it for dying, and mix a kind of Earth they have with it: it makes a bright glossy lively Red, which no washing can fetch out again; this we suppose to be the *Nicaragua* Wood. Their Roots are Potatoes, Kams, and Cassava; of the last of which they make Bread. They have likewise Tobacco, but don't understand the planting and manuring of it; it's not so strong as that of *Virginia*.

Its Beasts.

Their Beasts are the *Peccary*, and *Waree*, a kind of wild Hogs, which are very good Meat. They have considerable store of Deer and Rabbits, and great droves of Monkys, which are extraordinary fat and good to eat. They have an Insect call'd a *Soldier*, somewhat resembling a Crab, which feeds upon what falls from the Tree, is a delicious Meat, and yields an Oil that is an excellent Salve. They have no *European* Cattle.

Birds.

Their Birds are the *Chicaly-Chicaly*, which makes a noise somewhat like a Cuckoo; is a large Bird, has Feathers of divers Colours, very beautiful and lively, whereof the Natives sometimes make Aprons. This Bird keeps mostly on the Trees, feeds on Fruit, and is pretty good Meat. The *Quam* feeds in the same manner, his Wings are dun, his Tail dark, short, and upright. He is much preferable to the other for Meat. There's a *Russet-colour'd Bird*, resembling a Partridge, runs most on the ground, and is excellent Meat. The *Corosou* is a large Fowl as big as a Turkey, and of a black Colour: the Cock has a fine Crown of yellow Feathers on his Head, and Gills like a Turkey: they live on Trees, and eat Fruit. They sing very delightfully, and are so well imitated by the *Indians*, that they discover their Haunts by it. They are very good Meat, but their Bones make the Dogs run mad, and are therefore hid from them by the *Indians*. They have abundance of *Parrots*, for size and shape much like those of *Jamaica*, they are very good Meat. Their *Parakites* are most of them green, and go in large flights by themselves. They have *Macaw* Birds which are as big again as Parrots, and resemble 'em in shape. They have a Bill like a Hawk, and a bushy Tail with two or three long stragling Feathers, either red or blue; but those of the Body are of a lovely blue, green and red. The *Indians* tame those Birds, and teach them to speak; and then letting

letting them go into the Woods amongst the wild ones, they will return of their own accord to the Houses. They exactly imitate the Voices and Singing of the *Indians*, and call the Chicaly in its own Note. It is one of the pleasantest Birds in the World, and its Flesh sweet and well tasted. They have also Woodpeckers which are pied like our Magpies, and have long Claws that they climb up Trees with; they are not pleasant to eat. They have plenty of Dunghil-Fowl resembling those of *Europe*, and their Flesh and Eggs as well tasted as ours. About the *Sambaloes* they have great store of Sea-fowl, and particularly Pelicans which are large Birds, having Legs and Feet like a Goose, and a Neck like a Swan, the Feathers are grey. It has a Bag under its Throat, which when fill'd is as large as a Man's two fists, and when dry will hold a Pound of Tobacco; they feed upon Fish, and the young ones are good Meat. They have also Cormorants resembling Ducks for size and shape, are of a black Colour, have a white spot on the Breast, and pitch sometimes by Trees and Shrubs by the Water side. They are too rank to be eaten. They have abundance of Sea-gulls and Pyes, which are pretty good Meat, but eat fishy, which is cur'd by burying 'em eight or ten hours in the Sand with their Feathers on. They have flying Insects too, and among others Bees, which form their Hives on Trees; and it's observ'd, that they never sting any body: The Natives mix the Honey with Water, and so drink it, but know not the use of the Wax. They have shining Flies, which in the night time resemble Glow-worms.

Their Fish are the *Tarpom*, which eats like Salmon; some of them weigh 50 or 60 pound: They afford good Oil. They have Sharks, and another Fish that resembles a Shark, but much better Meat. The *Cavally* is much of the size of a Macarel, and very good Meat. They have a Fish call'd *Old Wives*, which is also very good to eat. Their *Paracoods* are as large as a well grown Pike, and very good Meat; but in some particular places poisonous, which are distinguish'd by the Liver. Their *Gar-fish* is good Meat, they have a long Bone on their Snout, with which they will sometimes pierce the side of a Canoe. They have also *Sculpins*, a prickly Fish, which when strip'd, is very good Meat. They have likewise String-rays, Parrot-fish, Snooks, Conger Eels, Conchs, Perriwinkles, Limpits, Sea Crabs, and Craw-fish, and other sorts whose Names we know not, that eat very well.

The Inhabitants are most numerous on the North of the *Isthmus*; the Men usually 5 or 6 foot high, freight, clean limb'd, big-bon'd, handsomly shap'd, nimble, active, and run well. The Women are short and thick, and not so lively as the Men; the young Women plump, well shap'd, and have a brisk Eye: both Sexes have a round Visage, short bottle Noses, large and grey Eyes, high Forehead, white even Teeth, thin Lips, pretty large Mouths, well proportion'd Cheeks and Chins, and in general handsom; but the Men exceed the Women. Both Sexes have freight long lank black Hair, which they generally wear down to the middle of their Back. All other Hair but that of their Eye-brows and Eye-lids they pull up by the Roots, cut-off the Hair of their Heads, and paint themselves black by way of Triumph, when they kill a *Spaniard*. Their natural Complexion is a copper Colour, and their Eye-brows black as jet. There are some among them of both Sexes, which bear the proportion of two or three to a hundred, who are milk white, and have all their Bodies cover'd over with a milk white Down; their Hair is of the same Colour, and very fine, about 6 or 8 Inches long, and inclining to curl. They are less in Stature than the other *Indians*, and their Eye-lids point downwards in form of a Crescent; they don't see well in the Sun, their Eyes being weak and running with Water if the Sun shine upon them, therefore they are call'd Moon-ey'd. They are weak and sluggish in the day time, but in Moon-shiny Nights all Life and Activity, and run as fast thro' the Woods by night, as the *Indians* do by day. They are not so much respected as the other *Indians*, but look'd upon as monstrous. The Natives go naked both Men and Women, only the Men have a thing like an Extinguisher of silver or gold Plate tied round their middle to cover their Yard, and the Women tie a piece of Cloth before them, which comes as low as their Knee; but they use none of those Precautions till they come to the Years of Puberty; the Men that have not those Extinguishers, make use of a piece of Plantain-leaf of a Conick Figure. They are a general a modest and cleanly People, and have a value for Clothes if they had them. The better sort have long Cotton Garments shap'd like *Carmens* Frocks, which they use on solemn Occasions, as attending the King or Chief, &c. For an ornament to the Face, besides their general painting and daubing, the Men wear a piece of Plate hanging over their Mouths, and the Chief of them have it of Gold, is of an Oval Form, and gently pinching the Bridle of the Nose with its points, hangs

hangs dangling from thence as low as the under Lip; and instead of this the Women wear a Ring thro the Bridle of the Nose: they lay them aside at their Feasts. They likewise wear Chains of Teeth, Shells, Beads, or the like; the heavier they be, they reckon them the more ornamental. Their Houses lie mostly scattering, and always by a River side, but in some places they are so many as to form a Town or Village. Their Walls are made up of Sticks, and daub'd over with Earth: The Fire is in the middle of the House, and the Smoak goes out at a Hole in the Roof: They are not divided into Stories or Rooms, but into Hovels. Every one has a Hammock for a Bed in one of those Hovels. They have no Doors, Shelves, or Seats, other than Logs of Wood. Every Neighbourhood has a Warr-house of 130 foot long, the Sides and Ends full of Holes, whence they shoot their Arrows on the Approach of the *Spaniards*. In their Plantations they set so much Plantain, Maiz, &c. as serves their Occasions. They likewise make Drink of Maiz, which they ferment by Grains of the same chew'd in their Mouths: They have also another sort of Drink, which they make of Plantains. Most of the Drudgery is perform'd by the Women with great Cheerfulness, being very well condition'd, and dutiful to their Husbands, who are otherwise very indulgent to them; and their Children. The Women wash the Mother and Child in a River within an hour after Delivery. The Boys are bred to the Bow, Hunting and Fishing, &c. at which they are mighty dextrous; and the Girls help the Women in dressing their Victuals, Weaving, making Cotton Cloth, Cordage, Nets, &c. and the Men make Baskets very neat, dying the Materials first with lively Colours. They allow Polygamy, but punish Adultery with the Death of both Parties. They punish Theft also with Death; and Fornication with thrusting a Briar up the Man's Yard, whereof they commonly die. The Facts must be prov'd by Oath, which is a swearing by their Tooth. When they marry, the Father or nearest Kinsman keeps the Bride privately in his own Apartments the first 7 Nights, and then she is deliver'd to her Husband: All the Neighbours for some Miles round are invited to a great Feast, and bring Provisions with them: The Fathers of the young Couple bring them forth in their Hands, and the Bridegroom's Father makes a Speech; then he dances about in antick Gestures till all on a sweat, when he kneels down, and gives his Son to the Bride, her Father also having danc'd himself into a Sweat, and presenting her to the Bridegroom in the same manner; then they take each other by the hand, and so the Ceremony concludes. After this all the Men take up their Axes, and run shouting to a Tract of Woodland, to prepare a Plantation for the new Couple. That being done, they have their Feast, and afterwards drink hard, all their Arms being first put out of the way, to prevent danger in case of quarrelling. They divert themselves sometimes by dancing, and piping on a small hollow Bamboo, but without distinction of Notes: The Men and Women never dance nor feast together, but apart. The Women accompany them likewise in their hunting Expeditions, which sometimes last 20 days: They tie their Hammocks betwixt two Trees, cover them with Plantain Leaves, and have Fires all night by their Hammocks: Such of their Prey as they take a hunting, and design to keep for future use, they barbecue in the Woods; and what they make use of for present Sustenance, they mix with Roots, Plantain, Bonanoes, and Pepper, and stew it together till it be brought to a Pulp; which they take up with the two foremost Fingers of their right Hand bent hookwise, and put into their Mouths. They travel by direction of the Sun, or bending of the Trees, according as the Wind is. None of the *English* Authors take notice of their Worship or Religion, but give an account that they pawaw, or consult the Devil to know Futurities: and it would seem they are as ignorant in matters of Physick and Chirurgery, since when they would let a Patient blood, they set him upon the Bank of a River, and with a little Bow, and small Arrow, gag'd that it may enter no further than our Lancets, they shoot as fast as they can at all parts of the Patient's Body; and if they chance to hit on a Vein, that the Blood spurts out a little, they testify their Joy by antick Dances.

We come next to give an account of the Settlement of our Men there; how they were receiv'd by the Natives; what *Indian* Princes are in their Neighborhood; in what state they found the Affairs of the Country; and of the Situation of our Colony.

An Account of the Scots Reception at Darien. On the 27th of October 1698. our Ships came to an Anchor in a fair Sandy Bay, 3 Leagues W. off the Gulph of *Darien*; upon which two Canoes, with several *Indians*, came on aboard, were very free with our Men, told them they had been long expected, and were very welcome: Our Men gave them some old Hats, Looking-glasses and Knives, with which they were extremely well pleas'd, and went

went off. When our Ships stood further into the Bay, they saw about 20 *Indians* drawn upon the Shoar, being arm'd with Bows and Lances; upon which a Boat being sent ahoar, and making a signal of Peace, they unstrung their Bows, talk'd familiarly, and told our Men that two great Captains would in a little time come on board our Ships. Accordingly on *November 2.* in the morning Captain *Andreas*, one of their Princes, accompanied by 12 Men, came on board, and ask'd their business; he was answer'd, that we came to live among them, and trade with them, and would afford them *European* Commodities cheaper than any other People. He ask'd if we were Friends or Enemies to the *Spaniards*; and was answer'd we were at peace with all Men, and would make War upon no Man, except they injur'd us. He took us for *Buccaneers*, and told us he knew Captain *Swan* and Captain *Davis* in the South-Sea, and commended them as Men of Valor. We heard that part of his Discourse with very much Coldness, and told him we came on no such design as those Men did, but had Authority for what we undertook. We treated him civilly, gave him a Hat lac'd with Gold, and some Toys: and so he parted, promising in a little time to come again; which he accordingly did, and brought *Don Pedro*, another of their Princes or Captains, with him. Captain *Andreas* was freer with us than at first, plainly own'd that he took us for *Buccaneers*, and complain'd that some *Englishmen* of that sort had after great Pretences of Friendship, carry'd off some of their People; and therefore *Don Pedro* would not come aboard us till he had further assurance of us.

Captain *Andreas* is a Person of a small stature; he affects the *Spanish* Gravity, as having been often among them at the Mines at *Santa Maria, Panama, &c.* and formerly had a Commission under them as a Captain, upon which he values himself above others: The *French* hate him mortally, because of something he did against some of their Nation formerly. When he came on board us, he had a sort of a Coat of red loose Stuff, an old Hat, a pair of Drawers, but no Stockings nor Shoes; and the rest that came with them were all naked, excepting their *Penis*, which was cover'd by Extinguishers, as formerly mention'd.

C. Andreas
a Native
describ'd.

Upon further communing, Captain *Andreas* was very well pleas'd with us, offer'd us what part of the Country we would chuse, and accepted a Commission from us; and at the same time we gave him a Basket-hilted Sword, and a pair of Pistols: upon which he promis'd to defend us to the last of his Blood.

Some of the Princes on this side of the Isthmus had been in peace with the *Spaniards* for several years, and suffer'd a few of them to reside amongst them, to give notice to *Panama* of what Ships came upon these Coasts; but upon some fresh disgust, about two Months before we arriv'd, Captain *Ambrosio*, who is the most noted Prince among them, had oblig'd them to enter into a common Alliance against *Spain*, and cut off ten *Spaniards*, who liv'd upon *Golden Island*.

The Place where we are settl'd is 4 Miles East of *Golden Island*, within a great Bay. We have an excellent Harbour, surrounded with high Mountains, capable of holding a thousand Sail land-lock'd, and safe from all Winds and Tempests. The Mouth of the Harbour is about random Cannon-shot over, form'd by a *Peninsula* on the one side, and a point of Land on the other. In the middle of the Entrance is a Rock three foot above Water, upon which the Sea breaks most terribly when the Wind blows hard; and within the Points there is a small Rock that lies a little under Water. On both sides these Rocks there's a very good wide Channel for Ships to come in: that on the South-side is three Cables long, and seven Fathom deep; and that on the North two Cables long. From the two outermost points the Harbour runs away East a Mile and a half; and near the middle, on the right and, a point of Land shoots out into the Bay: so that by raising Forts on the old Point, on the Rock in the middle of the Entrance, and the two outermost points, it will be the strongest Harbor, both by Art and Nature, that's in the known World. The Bay within is for the most part 6 Fathom Water, and till you come within a Cable's length of the Shore, three Fathom and a half: So that a city may be built, to which great Ships may lay their Sides, and unload. The *Peninsula* lies on the left hand, is a Mile and a half in length, very steep, and high towards the Sea: so that it would be very difficult for any body to land, till you come to the Isthmus, where's a small sandy Bay that little Ships may put into, but easy to be secur'd by a Ditch and a Fort. There are several little Rivers of very good Water that fall into the Bay; and it abounds so with excellent Fish, that we may with ease take more than it's possible for us to destroy, having sometimes caught 100 at a draught: amongst others there be *Tortoises*, which are excellent Meat, and some of them above 600 Weight.

Whereabout
they settl'd
on the Isth-
mus.

The

The *Peninsula* was never inhabited, and is cover'd all over with Trees of various sorts, as stately Cedars, Brasil-wood, *Lignum Vita*, Box-wood, Fustick-wood, Yellow Sanders, Manshinel, &c. and the like sorts, besides others whose Names we know not, grow on the Continent; and we doubt not of finding out the *Nicaragua* Wood: We have found Cabbage Trees, the Fruit of which eats like Collyflowers. The Natives have no Plantation within two Miles of us.

Their Settlement described.

We have a Watch Tower upon an high Hill adjoining to our Plantation, about a Mile South of the Bay; from whence we can see the Ships in the Bay, the Fort we have rais'd on the Mouth of the Bay, and as far as the Mouth of the River *Darien*: We can see above thirty Miles Southward, and have a fine Prospect of *Golden Island*, and the *Ile of Pines*, Westward towards *Portobello*, and Northward towards *Jamaica*. The Hill is about a Mile in height; so that we can see any Ships before they come within some Leagues of the Harbour. We compute our selves to be about 50 Leagues North of *Carthagera*, and as much South of *Portobello*. The 4 *Indian* Kings or Captains on this Coast visit us often in their Canoes: and the Natives are very kind to us, and sell us Plantains, Fowls, &c. for Toys or old Shifts. A *Frenchman* who hath marry'd one of the Natives, informs us that the *Spaniards* have Silver and Gold Mines on the Isthmus, which we might make our selves Masters of with 100 Men; so that if they commit Hostilities upon us, as we hear they threaten to do, it's not unlikely that we may visit them. We found some *French* Refugees in the Country, who are willing to settle under us; and having been several years in these Parts, and understanding the Language of the Natives, are very useful to us. We have seen some Sand in the Rivers, which looks as if it were mixt with Gold, and in some Places the Earth seems to be very much mixt with it: so that it's concluded there's more Gold-dust here, than in any part of *Guinea*.

An Account of the Princes on the Isthmus.

The *Indian* Princes or Captains on this Coast do somewhat resemble our Heads of Clans in *Scotland*; and by their Converse at times with the *Spaniards*, and other *European* Nations, affect Christian Names. The first of these Princes we shall name is Capt. *Diego*; he commands from the bottom of the Gulph of *Orta* on this side *Caret Bay*, and has 3000 Men under him; he has been at War with the *Spaniards* several years, occasion'd by an Insult his People had receiv'd from them, when they came to demand their Share in the Mines which they had discover'd to the *Spaniards* in their Country, on condition of being Partners with them: but when they came to demand it, the *Spaniards* treated them villanously, beat and abus'd them; upon which they attack'd the *Spaniards*, cut off 20 of their Men, and 5 Priests that belong'd to the Mines.

The next is Captain *Poufigo*. He is an *Indian* Clergy-man, and Brother-in-law to Captain *Andreas*. The *Peninsula* that we possess, lies betwixt his Territory and that of Captain *Andreas*, who together with his Brother, commands from *Golden Island* to the River *Pinas*. Their Command is greater than that of *Poufigo*, but not so great as that of *Diego*. These Princes are very useful to us, because of their Neighborhood and Consanguinity to one another.

Captain *Ambrosio* commands from the River *Pinas* to the *Sambaloes*: He is a Man of about 60 years of Age, but strong and vigorous, well limb'd and of a stern Countenance: he is a mortal Enemy to the *Spaniards*, with whom he hath had a long War: he is esteem'd the bravest of all the *Indian* Captains. His Son-in-law *Don Pedro* having been taken by the *Spaniards*, and kept by them as a Slave at *Panama*, he can never forget nor forgive it them: This young Man is a great Friend to the *French*, who they are made to believe design to come and settle among them. *Ambrosio* and his Son-in-law prest us much to come and settle in their Dominions, and join with them to make War on the *Spaniards*: We gave them fair Words, and promis'd to come and view their Coasts, which we accordingly did; and in our way thither, four Leagues Westward of our Settlement, we found an excellent Harbour, capable of 10000 Sail; but it can't be defended without many Forts: Here the Privateers us'd to come and careen. Captain *Ambrosio*'s House lies about a League from the Water-side, on the Bank of a River, having 12 lesser Houses about it: When we drew near it, he advanc'd 50 Paces to meet us, being attended by 20 Men in white loose Frocks with Fringes round the bottom, and arm'd with Lances: He saluted us kindly, and gave us a Calabash of Liquor almost like *Lamb's* wool, made of *Indian* Corn and Potatoes. His House is 90 foot long, 35 broad, and 30 in height, curiously thatch'd with *Palmetto-Royal*, and over that Cotton-leaves. The Floor is of firm Earth like *Tarras*, very smooth and clean. The Sides are compos'd of large Canes, as thick as a Man's Leg. In this House live

Ambrosio

Ambrosio and his Son-in-law *Don Pedro*, with both their Families, consisting of about 40 Persons. We saw *Ambrosio's* Grandmother there, who is 120 years old, and yet was very active in getting things ready for our Entertainment. She has 6 Generations descended from her now in the House with her. The People live here 150 and 160 years of Age; but those that converse much with *Europeans*, and drink strong drink, don't live so long.

From the *Sambaloes* to the River of *Conception*, the Country is commanded by one *Corbet*, who is altogether in the *French* Interest, he having contracted a Friendship with their Privateers 7 years ago, and done them many good Offices. They promised to reward him if he would go to *Petit Guavus*, and in his way thither he was taken by an *English* Privateer and carry'd to *Jamaica*, whence the Governor of *Petit Guavus* got him releas'd. He was with *Ponti* at the taking of *Carthagera*, and has a Commission from the *French* to be General of all the *French* and *Indian* Forces on that Coast, and to take, sink, and destroy *Spaniards* or any other Enemies. Yet the *French* themselves, and the sensible part of the *Indians*, don't put any confidence in him; and *Ambrosio*, who is the bravest of all those *Indian* Captains, keeps him in awe and within bounds.

Next to *Corbet*, there's another of their Captains call'd *Nicola*, who is said to be a wise, brave and good-natur'd Prince, insomuch that the *Indians* had a mind to have set him up instead of *Ambrosio*, who is of a rugged Military Temper. But *Ambrosio's* Authority and Power is so great, that they did not find it practicable. *Nicola* is a mortal Enemy to the *Spaniards*, and can never entertain a good thought of them, since the Governor of *Portobello* robb'd him of a curious Futee that had been presented him by some of the *Buccaneers*; and being out of order, he sent it thither to be mended; upon which the Governor taking a liking to it, kept it to himself, and sent *Nicola* another sorry piece instead of it.

Since we came hither, there have been an *English*, a *Dutch*, and a *French* Ship in our Bay. The *English* Ship was Captain *Long* in the *Rupert* Prize; he had been in the Gulf of *Orba*, but he himself and his Men own'd, that they had not then been ashore there. He hath someway or other disoblig'd the Captains *Ambrosio* and *Diego*. Tho we treated him with all possible Civility, yet we are since inform'd that he hath been a days Journey into the Gulf, and endeavour'd to incense the *Indians* against us, telling them we were Privateers, and that the King of *England* would not protect us. He left some Men in the Bay, who had since kill'd some *Spaniards*, and came to us for Arms and Ammunition; but we told them we could not grant them any, and that they had done what they could not justify. We gave them however what was necessary for fitting up a Boat; and as a Reward they intic'd away the Carpenter and Mate of one of our Ships call'd the *Unicorn*.

The *Dutch* Ship that came hither was afraid of the *Spanish* *Barlavento* Fleet, and put in here for protection, that Fleet having made Prize of another *Dutch* Ship of 32 Guns, and of two *English* Sloops for trading on those Coasts.

The *French* Ship that put in here, was that which was order'd to carry back the Church-plate, &c. to *Carthagera*, did afterwards bulge on a Rock, and was cast away in our Harbour. We sav'd all their lives, and Captain *Pincarton* our Commodore endanger'd his own Life to save that of the *French* Captain. He inform'd us that the *French* had four Men of War of 50 Guns each, who thinking we had a Design on the River *Mississipi*, were gone to the Gulph of *Mexico*, in quest of us. The *French* have been very industrious in cultivating their Interest, both with the Natives and *Spaniards* in this part of *America*, and doubt not of having a good share in these Countries after the King of *Spain's* Death. They have got a great Interest with Capt. *Ambrosio* by means of his Son-in-law *Don Pedro*, whom they care for extremely, and design'd to have carry'd to *Petit Guavus*, and from thence into *France*, to acquaint the *French* King with the favorable Sentiments the *Indians* have entertain'd of the *French*, and of their design to surrender themselves to his Majesty.

This has been projected by the *French* a long time, but the King of *Spain's* Indisposition, and their Pretensions to that Crown, made them defer it; and there's no doubt but our Settlement will quicken those Resolutions. Captain *Andreas*, Captain *Pedro* his Brother, Captain *Diego*, and Captain *Poufigo* our Neighbors, have no manner of Correspondence with the *French*. The latter hath acquainted us that there are several Gold Mines within two Miles of our Settlement, which he hath promis'd to shew us; and he hath actually let us see several Samples of fine Gold.

This being the Substance of several Journals that were sent from our Colony in *Darien* upon their first Settlement there, we hope it's sufficient of it self to satisfy

our Neighbours in *England* of the Justice of our Cause, of the Equity of our Proceedings, of the true Reason why the *French* are so much our Enemies in this matter, of the greatness of the Providence that has put us in possession of that Post, and that it is *England's* Interest to join with and protect us, by which the Designs of the *French* against *Europe* in general, and *Great Britain* in particular, may be defeated, and the *English West-India Trade* secur'd. But since by the Proclamations before-mention'd, which treat us as Rebels and Pirates in *America*, for what we have done according to Act of Parliament in *Scotland*, our Ships may be in danger of being attack'd by other Nations as Pirates, and our Colony discountenanc'd and oppos'd on that account by the Natives; there's no reason that our Neighbours should think strange if we complain of that unkind Usage, and endeavour to lay before them what may probably be the Consequences of such Proceedings, without being constru'd either to threaten or to wish that any such things should happen: It being evident, that by offering to admit the *English* as Jointsharers in our Trade, we entertain no Sentiments but what are friendly towards that Nation, being satisfi'd that all those who wish well to the Protestant Religion and true Liberty, are Enemies to any thing that may occasion a Breach of the Union and good Understanding betwixt us. Yet it must be own'd that we have but too great reason to complain of the Hardships we suffer by the Union of the Crowns, which it is in the power of *England* to remedy, by complying with the gracious Proposals of uniting the Nations, repeated in Parliament by his Majesty, who, like a true Father of his Country, has expos'd himself to the greatest of Dangers to procure the Welfare and Peace of his Subjects, by which he has made an absolute Conquest of the Hearts of all good Men, who are unanimous to join in the like Prayer for him, that the *Israelites* of old put up for their Kings, viz. *That he may live for ever.*

An Inquiry into the Causes of the Mis- carriage of the Scots Colony at Darien.

*Or an Answer to a Libel, entitled, A Defence of the
Scots Abdicating Darien.*

Submitted to the Consideration of the Good People of England.

Printed a-
bout Dec.
1699.

— *Paries cum proximus ardet,*
Res tua tunc agitur. —

THE INTRODUCTION.

THE just Horror which all honest Men conceiv'd at the harsh and unneighbourly Treatment of the Scots Colony at Darien, laid the Gentlemen, who have been most active against it, under a necessity of blackning the Reputation of those concern'd in that Settlement. This they thought necessary, in order to prevent any Inquiry that perhaps might be made; Why a Neighbouring Nation, united to the Kingdom of England by Situation, Government, Interest, Religion, Affection, and constant Inter-marriages, should be provok'd and trampil'd upon in such a manner, contrary to their own Laws and Original Constitution, and which may pave the way in time for treating our Neighbours in the same manner.

To prevent any such Inquiry, those Gentlemen that have been pleas'd to signalize themselves as much by their Hatred to the Scottish Nation, as the latter have signaliz'd their Valour and Affection for our common Liberty and Religion, have been at Pains and

Expence

Expence to save the Libeller H—s from the Gallows, by putting a stop to his Trial, and filling his Pockets with Money, on condition that he would bespatter the Reputation of the Scots Colony and their Masters. The Crime is indeed unnatural for a Man to turn Renegado and a Traitor to his Country; none but a Monster like H—the Surgeon could have entertain'd such a Thought: He sold his God in the last Reign, by turning Papist, and therefore 'tis no great wonder he should sell his Country in this, and solemnly renounce his going Northward for ever, provided he might be secur'd against going Westward for ever.

This being the Case of the doughty Evidence, that the Faction have produc'd against the Scots Colony, we leave it to the World to judg what Credit ought to be given to his Testimony, since it appears that he hath giv'n it in to save his Life, to gain Money, and to give vent to his Malice. The latter he owns in the beginning of his Book, and repeats it again, pag. 161. where he says he took this way to right himself, because of the Scots here in Town being on his Top, and of some other harsh usage which he receiv'd at the hands of the Scots Company.

The very manner of giving in his Evidence lays him open to the Lash of the English Law; and it is to be presum'd that his train of Blasphemies, and constant ridiculing the Text, would have been taken notice of e'er now by a certain Court at the West end of Pauls, but that he is protected by some Gentlemen belonging to a Court at the West End of the Town.

His invenom'd Malice is demonstrable, by the Sport he makes to himself throughout his Libel at the Calamities and Misery of his Fellow-Creatures and Countrymen; so that never did any Man more exactly fill up the Character of a Renegado than himself: for as those Miscreants stab an Image of our Saviour to the Heart, as a proof of having absolutely deny'd him; H— hath in the same manner done all he could to stab the Reputation of his native Country, as a certain Evidence of his being turn'd a Monster of Nature; for which even they that imploy him must needs abhor him, except they love to see the Image of their own Crimes in his lovely Features.

We have not enter'd upon the detail of his malicious Lies with which he hath stuff'd his Book, but only pointed at the chief of them, which are so very notorious, as may well put his Suborners to the Blush, that they should not have either taught him his Lesson better, or have seen he had conn'd it more exactly; for they are such gross Contradictions either to common Sense, or to what he himself has advanc'd in his Libel, that none but one who had swallow'd Transubstantiation could be guilty of the like.

It's needless to inlarge upon his Character, since it's impossible to conceive a worse Idea of him than all Men of Sense will immediately form to themselves, when they know he is a Traitor to his Country.

He was formerly a Surgeon in the Fleet, and made some Interest amongst the Officers, by Female Mediation, which was allow'd him by his last Religion (for his Book shews that now he has none.) Hence it is, that he expresses himself so readily in the Dialect of his Office, and talks of Bullying Kings in his Dedication, to shew us that he was acquainted with B—dy-House Rhetorick; and they that know his Friends in Little—B—n, say he has convey'd his Libel to the World thro a very proper Channel.

Whilst he was a Surgeon in the Fleet, his ill Nature having condemn'd him to perpetual Broils, he had the Impudence to draw upon his Captain ashore, who wounded him so as was thought might have put a period to his infamous Life; upon which his Captain was confin'd, but the Wound not being mortal, the Gentleman was set at Liberty, and returning on Board, a Council of War was held, by which H—s was like to have had an Exit more answerable to his Desert, at the Yard-Arm, but that one of our Countrymen who commanded in the Place, sav'd him out of Pity; and whilst he was sculking at London to avoid this Prosecution, others of them out of Compassion hir'd him to go along with their Fleet, for which he hath made his Country such a grateful Reward, as hath verifi'd the Proverb, That save a R—gue from the Gallows, he shall be the first that will cut our Throat. We leave his Suborners to think on't.

His Captain being thus disappointed of having Justice executed, was forc'd to content himself with Pricking him Run, that he might not have any Claim to his Wages; but once his Return from Darien, and engaging in the Honourable Service of reviling and lying his Country, his Suborners, out of their innate Bounty and Gratitude, have got him liv'd from all farther Prosecution, entitled him to his Wages, and given him the Opportunity to value himself upon his Correspondence at the Court end of the Town: so that he thinks himself sure of a Patent for Life, and that he shall never be oblig'd to go up olborn-Hill, except his important Occasions call him now and then that way, to enable him to pay his present Debts, when some of his Brethren pass that Road to pay their last.

It had been easy for us to have given such a History of his Life as would have put his Suborners to the blush, but we reserve that to make use of as we shall see occasion; what's said is enough to let them know how much they are to trust to his Evidence, if they think fit to make further use of him, either by Libelling his Country, or accusing any of those great Families he threatens in his Dedication.

An Inquiry into the Causes of the Miscarriage of the Scots Colony at Darien.

The Design
of the Li-
beller.

THE main Design of *H—s* and his Suborners, is to charge the Miscarriage of the Scots Colony upon their own Country, to clear some Gentlemen that perhaps may be found within the Verge of *Whitehall*, from having any hand in it, and to evince the necessity of those Proclamations publish'd against the Scots in the *West-Indies*, so as no Person or Party in *England* may seem justly chargeable with the Ruin of that Colony; a certain Evidence that the Crime is very black, and that they are put to a miserable shift, when those Gentlemen are at such expence of Contrivance and Pains to wipe off the Imputation, and so ready to fall in with any Tool that they think can assist them in so doing.

His Evi-
dence a-
gainst the
Scotch
Company
would not
have been
receiv'd in
any Court.

Enough has been said already to demonstrate that the Evidence of such an infamous Person as *H—s*, and so circumstantiated, would not be admitted in any Court of Judicature in *Europe*, especially against such an honourable Society as the Company of *Scotland* for trading to *Africa* and the *Indies*, which consists of the very Flower of the Nation, and perhaps has more Persons of illustrious Birth, Quality and Merit in it, than any trading Company that ever yet was erected in the World. The Directors particularly, whom *H—s* and his Masters have condemn'd to the Halter, pag. 46. are most of them Persons of that Quality, Estate, Worth and untainted Honour, as the Accusation of no one particular Person, tho of ever so good Repute, could in Justice or Decency be admitted against them, and much less the malicious Calumnies of a Renegade.

But to set this matter in a clearer Light: Whereas we have only *H—s*'s own word for what he asserts in vindication of his Friends and Suborners, we shall demonstrate against him and them too from undeniable matter of Fact, that some People in *England* are justly chargeable with the Ruin of that Colony.

Some Per-
sons in Eng-
land are
chargeable
with the
Ruin of
their Co-
lony.

We shall begin with the Opposition made to the Scots Act by the Parliament of *England* (to whom the Matter was misrepresented) the Answer they obtain'd from the King, and the Prosecution they commenc'd and threaten'd against *English* Natives and Scots men residing in *England*, that should subscribe to the Scots Company.

In the next place we shall alledge the *English* Resident's Memorial at *Hamburg*, against that Government's suffering any of their Subjects to subscribe to the Scots Company.

It is likewise well enough known that the Influence and Example of the *English* Court hinder'd the Subscriptions of our Neighbours in *Holland*.

Nor can it be deny'd but this continu'd Thred of Opposition from the Court of *England*, must needs hinder the Subscriptions of a great many in *Scotland*, who could not but foresee that a Storm was threaten'd by so many Clouds.

To this we may add, that the Kingdom of *Scotland* have not yet forgot the discourting of the Marquis of *Tweeddale* (who was known to be an able Statesman, and a true Patriot to his Country) because of his touching that Act, when he had the Honour to represent his Majesty on the Throne.

Nor was it the least of our Misfortunes, that we lost such an able and faithful Minister of State as Secretary *Johnston*, and that too upon the account of his Affection to his Country in this Matter. We are very well satisfy'd that his Majesty, who advanc'd him to that Post for his Merit, and was so well satisfy'd with his Ability and Care, would scarcely have parted with a Minister of that Gentleman's Faithfulness and Penetration, but by the Intrigues of some People at Court.

Before we proceed any further with the Narrative of the Opposition made to us, we shall obviate one Objection which some Persons may possibly make, viz. That all we have said hitherto is nothing to the purpose, because it does not regard our Colony, but the Company. To which we reply: 1. That this is so far from being an Excuse to our Opposers, that it highly aggravates our Charge against them, as being a plain Demonstration, that they were resolv'd to obstruct our Trade in every respect, and whatever it should be, without any exception. 2. That the opposing of the Company was the direct Method to prevent our ever having a Colony; and by the Laws of God and Man, those who endeavour to destroy the Embrio, are chargeable with a Design of preventing the Birth. But we shall come closer to the point in a little time, and resume the Thread of our Narrative after one or two Observations upon what we have said already, viz.

(1.) That the greatest of those Difficulties and Disappointments which H — says in his Book, the Company met with as to their Subscriptions, Payments, &c. may justly be charg'd to the account of that Opposition made us from the Court of England.

(2.) That there is so little reason to upbraid us, that our Efforts were not greater, that it is rather to be wonder'd at that the Company was not dash'd to pieces and crush'd in the Bud; and much more, that ever they should have been able to weather out the Storm of so much Indignation, overcome all those Difficulties, find Money enough to build Ships, equip out a Fleet, and make a Settlement in America, when neither England nor Scots men residing there, *Hamburg* nor *Holland*, shall dare to assist them without incurring his Majesty of England's Displeasure.

But to come directly to the Narrative of the Opposition made to our Colony. It is well enough known that the Kingdom of Scotland, as many other parts of Europe, hath suffer'd much for three or four Years past by bad Harvests, which rendered them incapable of providing Bread for their People at home, and much more of sending Supplies to their Infant Colony abroad. This was very manifest to some People about *Whitehall*, and care was taken we should have none for our Money from England, tho that Nation could have spar'd it; and perhaps we might have pleaded it as our Merit, when in Parliament we voted his Majesty a Standing Army, upon his Royal Word that it was necessary, tho we had more need to have sav'd the Money to have bought Bread for Thousands of our People who were starving for want, afforded us the melancholy Prospect of dying by shoals in our Streets, and have left behind them a reigning Contagion, which hath swept away Multitudes more, and God knows where it may end.

Tho our Country was reduc'd to this deplorable State, that a generous Enemy would have shew'd us Compassion, yet the Malice of our Court-Adversaries did not rest here, nor with having follow'd us into *Holland* and *Germany*, but pursues us into *America*; and with angry Proclamations forbids the Subjects there, on pain of his Majesty's Displeasure, to afford any manner of Assistance to the Scots at *Darien*: So that we are starv'd at home and abroad by our Enemies at Court, who saving by this means disposse's'd us of our Colony at *Darien*, and knowing that the good People of England had reason to cry Shame upon them, and might perhaps take their own time to resent this inhuman Treatment of their Neighbours in Scotland; therefore they found it necessary to suppress a Book wrote in defence of the Scots Settlement, and to hire a Scots Renegado Surgeon to varnish over the Matter, and to represent his Countrymen as Knaves and Fools, that so they might fall unnoticed.

To return again to the Opposition made us in America: It is not enough that we are starv'd out at *Darien*, but when we come from thence, and so leave what the proclamations suppose to be the Dominions of their Allies, yet we must not be supply'd in the English Plantations, nor have Provisions in exchange for our Effects, so our Men be dying for want, on pain of incurring the Displeasure of the Court; and therefore those who are willing to relieve us, must put their Inventions on the rack to find out a way to do that with Safety, which common Humanity, and much more Christianity, obliges them to do to a Turk or a Jew in the like Circumstances.

Nay farther, tho notwithstanding our Distress at home, we make shift to send a Convoy to our Colony abroad, because our future Hopes depended so much upon them, they shall not have leave to put in to any English Port to refit, refresh, or stay in any of their Company that may be separated from them by Storm; and yet our Friends who were so instrumental in obtaining and publishing those Proclamations,

Whether what has been done by Eng^d and against the Scotch Company, does not touch their Colony.

Corn prohibited to be sold to the Scots.

Proclamations against the Scots at Darien, publish'd in the West Indies.

And no Supply given them in the English Plantations.

Nor their Ships suffer'd to put into any English Port.

must bribe a Renegado to declare to the World in print, that they were no way necessary to the Blood of his Countrymen who were starv'd to Death at *Drrien*.

The Ruin
of the Co-
lony char-
geable to
the Pro-
clamations.

It will appear plain that the Ruin of the Colony is chargeable on the Proclamations, if we consider the Consternation that must needs be among them when they saw themselves condemn'd, as having invaded the Dominions of his Majesty's Allies; so that they had all the reason in the World to think that they were not only precluded from all Possibility of having any further Supply or Assistance from home, but in danger of being attack'd by his Fleet, as they that advis'd the emitting of those Proclamations must needs think his Majesty was oblig'd in Honour and Justice to order, if he was of Opinion that the *Scots* had broken the Alliance betwixt him and *Spain*. Let any reasonable Man consider what Anguish and Perplexity these Considerations, join'd to their pinching Wants and other Circumstances, must occasion in the Minds of those poor Men, and whether it might not give a handle to those of them that were unwilling to stay, to mutiny against the rest, and put all into Disorder, which might be fomented by other ill Persons amongst them; for we are not to suppose that with 11 or 1200 men, there went no other ill Man but *H—s*, since it's not improbable that they who oppos'd our Company so much from the very beginning, might be prompted by the same Malice to send Spies and Traitors amongst our Men on purpose to defeat their Design.

By hindring
them to
transport
their Men
to other
Planta-
tions.

If it had not been that they were thus discourag'd and brought to their wits-end by those Proclamations, they would certainly have had so much Conduct as to have sent away a great part of their Men to *Jamaica*, or any of the *English* Plantations, where they might have subsisted till the Arrival of a Convoy from *Scotland*; and so with those Provisions that were sufficient to carry them as far as *New York*, and a great deal further, if they had not been retarded by Tempests, might have maintain'd a competent number of their Men to keep possession of the Colony till Supplies had arriv'd: but the Proclamations disabled them from taking this Method, and by consequence are chargeable with the Ruin of the Colony.

And incu-
rage the
Spaniards
against
them.

In the next place it is undeniable that those Proclamations must needs have incourag'd the *Spaniards* and other Enemies in their Opposition against our Colony, and animated them to go on with their Preparations to drive us out. So that had they deserted upon no other account but the noise of the great Preparations making against them by the *Spaniards* at *Cartagena*, *Porto-bello*, &c. as *Sir William Beefton* seem'd to insinuate in his Letter, it makes the Proclamations directly chargeable with the Ruin of the Colony, since they had good reason to remove from thence when their own Prince had forbid all Commerce with them, and when their Enemies were making formidable Preparations against them.

And hin-
ding the
Dutch,

It is likewise plain that those Proclamations must necessarily prevent their having any Supplies from the *Dutch* at *Curaçaw*, if they had any to spare: for since the Influence of ours and the *Dutch* Court prevented our Company's having any Incouragement in *Holland*, it is reasonable to believe it would have the same Influence in reference to our Colony, in the *Dutch* Plantations.

And Na-
tives of the
Country
from sup-
plying 'em.

We have likewise all the reason in the World to conclude, that the Influence of those Proclamations might hinder the Natives from giving our Colony those Supplies that it was in their power to have done; for there's no doubt they had Information of 'em industriously sent them by some of our Adversaries, when Captain *Long* was so malicious as to endeavour, at our first Arrival, to possess them with an Opinion that we were nothing but Pirates, and that the King of *Great Britain* would disown us; and indeed by the Event it would seem he had Instructions so to do. It is true, that at first the Natives seeing our Men have a Competency of all sorts of Provisions, might not believe his Report: but they must needs have been confirm'd in the Truth of it afterwards, when they saw them dying for want, and deceiv'd as to their Expectation of further Supplies; and upon that account might think they had sufficient ground to withdraw their Assistance from them, and not further provoke the *Spaniards* in favour of a People that they found were not able to do any thing for themselves, and by consequence incapable to protect them, which was the thing they were to expect from their Alliance.

Having thus made it evident that the Opposition our Company met with from Court at first, and the Proclamations issu'd against our Colony at last, are justly to be reputed among the principal Causes of the Miscarriage of that Design, we come in the next place to consider his Majesty's Answer to the Address of the Commons

of *England* on that Head, and the Proclamations issu'd out against us in his Name in the *West-Indies*.

We are sorry that ever there should have been any occasion for such an ungrateful piece of work; but think it a Duty incumbent upon us, and what we owe to the Constitution of our Country, which we have reason to believe is industriously conceal'd from his Majesty, to write freely on this Head, that the World may see what just Cause we have to complain.

His Majesty's Answer, *That he had been ill serv'd in Scotland, &c.* is such, as our Ancestors (if we may believe our Historians) would have thought inconsistent with the Trust repos'd in a King of *Scots*, a manifest Reflection upon the Justice and Fidelity of the Nation, and a Discovery of their *Arcana Imperii* to those that were quarrelling with them. We are not to suppose that his Majesty would give an Answer to an Address of this Importance without Counsel: If he consulted with our *Dutch* or *English* Opposers, it was the same as if he had consulted our profess'd Enemies; if he consulted with *Scots* men, and was advis'd to this Answer by any of them, they are Traitors to their Country, and have betray'd its Sovereignty: for they ought to have advis'd him to answer, That as King of *Scots* he was not to give an account to the *English* for any thing transacted in that Kingdom; but if they found themselves any ways aggriev'd, or thought their Trade endanger'd by the *Scots* Act, he should be willing to have the matter debated and adjust'd by Commissioners of both Nations, as became the common Father of both. This could not justly have been look'd upon by the *English* as a refractory or stubborn Answer, but must have been imputed to his Braveness of Temper, and Fidelity to his Trust. But at once to give up the Sovereignty of *Scotland*, without demurring upon it, argues that his Majesty was advis'd to this Answer by Enemies to the *Scottish* Nation.

Our Parliaments have originally a greater Power than that of *England*: for what the States of *Scotland* offer'd to the touch of the Scepter, their Kings had no power to refuse; or if they did, the Resolves of the States had the force of a Law notwithstanding. Thus our Reformation was establish'd in 1560. by an Act of the States; and tho our Queen *Mary*, then in *France*, and her Husband the Dauphin, afterwards *Francis I.* refus'd to give their Consent, it remain'd a firm Law; which Queen *Mary*, when she return'd to *Scotland*, was so far from offering to dispense with, tho she was a great Asserter of her Prerogative, that she was oblig'd to in- treat the States so far to dispense with it themselves, as to suffer her to have Mass in her own Family. We might go further back to the Reign of *Robert II.* who was check'd by the States for making a Truce with the *English* without their Consent, it not being then in the power of our Kings either to make Peace or War without the States. But the Truth of that Maxim laid down by our Historian, *That the Supreme Power of the Government of Scotland is in the States*, is so obvious to every one that reads our History, that it cannot be deny'd; and hence it is that our old Acts of Parliament are often call'd, *The Acts of the States*, and say, *The Three Estates enact*, &c. for by our Original Constitution the King is none of the States, but only *Dux belli*, and *Minister publicus*; which was well understood by our Viceroy the Earl of *Morton*, and the other Deputies from the States of *Scotland*, when they acquainted Queen *Elizabeth* in their Memorial, *That the Scots created their Kings on that condition, that they might, when they saw Cause, divest them of that Power which they receiv'd from the People*, which we have now reasserted in making our Crown forfeitable by the Claim of Right at the last Revolution; and perhaps that's none of the least Causes why our Ruin is now endeavour'd by the Abettors of a growing Prerogative.

It were easy for us to enlarge on this, and to shew from our Histories and Acts of Parliaments, that our Kings, according to our antient Constitution (which those Rapes committed on our Liberties in some of the last Reigns can never overturn) were inferior to their Parliaments, who inthron'd and dethron'd them as they saw Cause, made them accountable for their Administration, allow'd them no power of proroguing them without their own Consent, nor of hindering their Meeting when the *ardua Regni negotia* requir'd it. They could not make Peace or War without them, nor so much as dispose of their Castles but by their Consent. Their Councils were chosen and sworn in Parliament, and punishable by the States: Nor had they any Revenue, but what their Parliaments allow'd them. These and many more were the native Liberties of the People of *Scotland*, as may be seen in our Histories, the Acts of all the *James's*, the Protestation of the States of *Scotland* in 1638. and their Representation of their Proceedings against the

The King's Answer to the Commons of England consider'd.

Parliaments of Scotland have originally a greater Power than that of England.

Their Kings inferior to the Parliament.

Mistakes in the King's Declaration in 1640. and therefore his Majesty had no reason to say he was ill serv'd by the passing of an Act offer'd by the States of Scotland.

Which was according to the fundamental Laws thereof. The Ignorance of those things hath often occasion'd our being misrepresented by the English Historians, and other Writers, as Rebels, and what not, when we really acted according to our own Fundamental Laws. And not only they, but even our own Princes since the Union of the Crowns, have either been kept ignorant of our Constitution, or so incens'd against it by the Abettors of Tyranny, that they have all of them, his present Majesty excepted, endeavour'd our Overthrow, as well knowing it to be impossible to bring Arbitrary Government to perfection, whilst a People who had always breath'd in a free Air, and call'd their Princes to an account when they invaded their Properties, were in any condition to defend themselves, or assist others against such Princes as design'd an absolute Sway. But the Pill being too bitter to be swallow'd by it self, there was a necessity of taking Priestcraft into the Composition, and to gild it over with the specious Pretext of bringing the Scots to an Uniformity in Religion. The Court knew that this would arm the Zealots against us, and that it could never be effected without the Ruin of our Kingdom, whose Religion was so interwoven with our Civil Constitution, that there was no overturning of the one, without subverting the other. This will appear plain to those that know, that besides the Sanction of Acts of Parliament, the Church of Scotland is defended by a full Representative of the Clergy and Laity of the Kingdom call'd a General Assembly (which preserves us from being Priest-ridden, as our Parliaments do from being Prince-ridden) where the King by Law had no Negative Voice, no more than he formerly had in our Parliaments. This in effect is the Representative of the Nation as Christians, as the Parliaments are our Representatives as Men; and as to the Laity, many of them are the same individual Persons that sit in Parliament. So that those Assemblies being a second Barrier about our Liberties, it was thought fit to run down the Constitution of our Church as not suted with Monarchy. The Case being thus, we dare refer it to the Thoughts of our neighbouring Nation, who have gallantly from time to time stood up for their own Liberties, whether it were not more generous for them to unite with us, than to suffer us to be oppress'd and enslav'd.

Privileges of a Nation cannot be given away without their own Consent. There's nothing can be objected to this, but that all these glorious Privileges were swallow'd up by those Acts of Parliament that exalted the Prerogative to such a height in the Reign of King Charles II. To which we answer, That the Privileges of a Nation cannot be given away without their own Consent; and we are morally certain, that the Constituents even of those pack'd Parliaments did never give any Commission to those that represented them, to give away those Liberties. Slavery is repugnant to Human Nature; so that it cannot be suppos'd the Nation exalted the Prerogative, on purpose to put themselves in a worse condition than before, or that when they find it apply'd to another use than that which they gave it for, they may not reduce it to its antient Boundary. The Necessity of Affairs did sometimes oblige the Romans to entrust their Dictators with an extraordinary and absolute Power; but when the Occasion ceas'd, they recall'd it, and kept to their antient and rational Maxim, that *Salus Populi* is *suprema Lex*. In the like manner the Enemies of our old Constitution may know, if they please, that we have retriev'd the main point of making our Crown forfeitable by the Claim of Right; and therefore if they push us too far, it's a thousand to one but we may renew our Demands to the rest, or oblige them to cast them in to the Bargain.

The King and People ought to have one Interest. But to return from this Digression: Tho we had no such peculiar Privileges belonging to us, why might not we expect that his Majesty should be as kind to us as to our Brethren in England? He hath once and again declar'd to them in Parliament, That he never had, nor never will have an Interest distinct from that of his People. Then why should not the Interest of the People of Scotland be the same with the Interest of the King of Scots? And if the People of Scotland met in Parliament agreed upon it as their Interest to have that Act pass'd for encouraging their Trade, how was it possible that the King of Scots could be ill serv'd by the passing that Act in Scotland?

The Scots Act for Trade was obtain'd regularly. Our Enemies, and H——s's Suborners have put a sort of an Answer to this in his mouth, viz. That the said Act was obtain'd *vis & modis*; but the Falshood and Malice of that Insinuation will appear to the World by the previous Act of 1693. for encouraging of foreign Trade, by which it was statuted, 'That Merchants, more or fewer, may contract and enter into such Societies and Companies for carrying

carrying on Trade, as to any Subject of Goods or Merchandise, to whatsoever Kingdoms, Countries, or Parts of the World, not being in War with his Majesty, where Trade is in use to be or may be follow'd; and particularly, besides the Kingdoms and Countries of *Europe*, to the *East* and *West Indies*, the *Straits*, and to trade in the *Mediterranean*, or upon the Coast of *Africa*, or elsewhere, as above. Which Societies and Companies being contracted and entred into upon the Terms, and in the usual manner as such Companies are set up——His Majesty, with Consent aforesaid, did allow and approve, giving and granting to them and each of them, all Powers, Rights and Privileges, as to their Persons, Rules and Orders, that by the Laws are given to Companies allow'd to be erected for Manufactories: And his Majesty, for their greater Incouragement, did promise to give to those Companies, and each of them, his Letters Patent under the Great Seal, confirming to them the whole foresaid Powers and Privileges, with what other Incouragement his Majesty should judg needful. These are the very Terms of the Act of 1693. and in pursuance of this Act our Nation being willing to form a Company for trading to *Africa* and the *Indies*, this Act, which hath met with so much Opposition in the World, was pass'd June 26. 1695. which was two years after. Then with what Effrontery can *H—s* and his Suborners suggest, that it was obtain'd *vis & modis*, by Surprize, or in a surreptitious manner? But something they must say to justify their unreasonable Treatment of us, and to blind the Eyes of the World.

Thus we see then that the Parliament of *Scotland* went on deliberately to advance their Trade, and to make this Act: by which it's evident that they who advis'd his Majesty to say that he was ill serv'd in *Scotland*, impos'd upon him, have laid a Foundation of Division betwixt him and his Parliament, which are the two constituent Parts of our Government; and if they be dash'd against one another, the whole Frame of it must of necessity be dissolv'd. Hence also it is evident that those Counsellors, if *Scots* men, ought by our old Constitution to be call'd to an account by the Parliament according to the 12th Act of *Parl.* 2 *James* 4. and if they be *English* men or *Dutch* men, we have a Right to demand Justice against them, as having meddled in our Affairs contrary to the Laws of Nations.

The Sovereignty of our Nation, and the Independency of the King of *Scots* upon the Crown of *England*, being tacitly given up by this Answer; and the Parliament of *England* being possess'd by our Enemies with a false Notion of our Design, they put a stop to our taking Subscriptions from any Residenters in *England*; so our offering to take in the *English* as Sharers, was a plain Demonstration of the Sprightfulness of our Intentions towards that Nation. This made it apparent, that we had no Design in the least to supplant them in their Trade, but on the contrary to make them Partakers of ours, in order to lay a Foundation for a closer Union, and greater Amity betwixt the two Nations; which if it had taken effect, our Trade had not been nip'd in the Bud, as now it is by the Frowns of the Court, but might by this time have been improv'd to the advancement of the Glory and Strength of the Island: Whereas by the Opposition made to that noble Design, the Nations are more alienated from one another than before, lessen'd in their Strength and Trade, and *Scotland* for ever lost as to their Friendship, Usefulness, and joining with *England* on any Occasion whatever, unless proper Measures be taken to make up the Breach, and retrieve our lost Honour and Advantage.

All that can be said to excuse so false a step in such a wise Nation as *England*, that they were impos'd upon by those that are Enemies to the true Liberties both Nations, and by some of their Traders and ignorant Pretenders, to give advice in matters of Trade, who out of a sordid Principle of Self-interest, prefer'd their own private Gain to the general Advantage of their Country. This could have quickly been seen, had his Majesty and the Parliament of *England*, instead of that violent Opposition which they made to the *Scots* Act, desir'd a Conference betwixt a Committee of the Parliaments of both Nations; then it would have appear'd what our true Design was, and that it was neither our Interest nor Intention immediately to follow an *East-India* Trade, the Apprehensions of which did so much alarm the Kingdom of *England*. That it was not our Intention is evident from our rejecting the Proposals of our Countryman Mr. *Douglas*, an *East-India* Merchant, with which *H—s* upbraids us, by which at the same time he discovers his own Folly and Dishonesty; his Folly in arguing against the Interest of *England*, which he pretends to espouse; and his Dishonesty in proposing

The Parliament went on deliberately in making it.

They were hinder'd from taking Subscriptions in *England*, &c.

The *English* were impos'd on therein by their Enemies.

sing our following a Trade, which his new Masters (who have paid him so well for his false Evidence) look upon to be destructive to theirs.

It was not
the Scots
Interest to
undertake
an E. India
Trade.

That it was not our Interest immediately to think of an *East-India* Trade is evident from this, that it would have exported our Money with which it's known we don't abound, and ruin'd the Linen Manufacture of our Country, upon which so many of our Poor depend. This we think the City of *London* may be sensible of in good measure, by the multitudes of their own Silk-Weavers, that are starv'd for want of Employment; and also by the unsuccessfulness of their own Linen Manufacture in *England*, by reason of the great quantity of Silks, Muslins, Calicoes, &c. brought from the *East-Indies*: from whence some wise Men have been and are still of opinion, that an *East-India* Trade of that sort tends to the general Impoverishment of *Europe*, tho it may enrich particular Persons. These Considerations, together with some Jealousies that Mr. *Douglas* might have been put upon making us that Proposal, on purpose to divert us from our other Design of an *American* Trade, were the true Reasons of our not hearkning to Mr. *Douglas's* Advice. This our Neighbours might have known, had they proceeded with us in such a friendly manner as we had reason to expect, when we were so kind as to offer them a share in the Benefits of our Act. And the Government at the same time might soon have been satisfy'd, that the sinking of their Customs by our One and twenty years Freedom from that Duty, was a mere bugbear Pretence. It is evident that we could not have spent much *East-India* Goods in *Scotland*, and therefore must have exported them. If we had brought them to *England*, they were liable to Customs there. If we had offer'd to run them over the Border, they could as well have prevented that, as the stealing over their own Corn and Wool: and if we had exported them to any other places of *Europe*, the *English* by their Drawbacks could have done it in effect as cheap as we.

They being
hinder'd in
their Trade
the Effect
of Dutch
Counsels.

By all which it appears, that there was no solid Foundation for any of those pretended Reasons, why the Government in particular, or the *English* in general, should have oppos'd us: and we wish that upon due inquiry it may not be found to be the Effect of *Dutch* Counsels; for that People being jealous of their Trade, and Rivals to *England* on that account, cannot be suppos'd to have sat still and done nothing, when they saw we had obtain'd such an Act, and were resolv'd to take in the *English* to partake of our Trade, which if suffer'd to go on, might endanger theirs, and enable the *English* to outrival them indeed, besides the present Loss they foresaw of our Customs, the *Scots* having most of their *East-India* Goods from *Holland*.

This we have the more reason to suspect, first, because tho the *English* have formerly suffer'd in their Trade by the Incroachments and Intrigues of the *Dutch*, but never by the *Scots*; yet they have made no Application to his Majesty for preventing the like in time to come. If it be said that he is but Stadtholder there, whereas he is King of *Scots*: We can easily reply, that it appears by what has been said already of our true Constitution, that the Kings of *Scotland* were as much accountable to the States of that Nation, as the *Dutch* Stadtholder is to the States of *Holland*. The second Reason we have to suspect the Influence of *Dutch* Counsels in this Affair, is this, that 'tis their Interest to keep us and the *English* from uniting, and if possible of forcing us by that means into an Alliance with themselves, to prevent their own Ruin, if *England* should after this come to fall out with them upon the account of Trade or otherwise, and likewise to have their Privilege of fishing in our Seas continu'd; which they know to be of such vast Advantage to them, that they are shrewdly suspected of having by Bribes, or other indirect Methods, prevail'd with some great Men, to supplant us as to the Benefits we had just reason to expect from the Act of 1661. encouraging our Fishery, the Privileges granted by which are very considerable, and to continue for ever: nay to put it out of all doobt that they are join'd in this Matter against us, *H—s* owns it as beforemention'd.

The Span-
ish Me-
morial a-
bout Dari-
en, differ-
ent from
that about
the Spanish
Monarchy.

Being upon this Subject, we cannot but take notice of the difference betwixt the *Spanish* Memorials about *Darien*, and of those late Memorials presented by them to our Court against their meddling with the Succession of that Monarchy, or the cantoning it out into several Parcels in case the King of *Spain* die without Issue. The former, tho insolent and huffing enough, were procur'd by our Court, therefore calmly digested; and the desire of them effectually answer'd, to the ruin almost of the *Scottish* Nation: But the latter was no sooner presented, than the *Spanish* Embassadors are disgrac'd in *England* and *Holland*, and forbid both Courts.

It may therefore deserve the Inquiry of our Neighbours, what this Regulation about the Succession of *Spain*, and the dismembring of their Monarchy is, that occasion such outrageous Memorials: for there must needs be something in it that touches the *Spaniards* more sensibly than the business of *Darien*, and which they did not complain of till they were put upon it; and in like manner touches our Court more sensibly to the quick, than any Memorials about that Affair, tho they had not been of their own procurement, were capable of doing. Perhaps upon a narrow Scrutiny into this Affair it will be found, that this keen and uninterrupted Opposition made to the *Scots* Settlement at *Darien*, does not proceed from any foresight of damage that it could do to the Trade of *England*, tho that be the specious Pre-text, but from a Cause which touches some People more nearly, crosses their Project of dismembring the *Spanish* Monarchy, and of having that important Post to their own share; they know that they have a natural as well as political Interest in some great Courtiers, and make little doubt of obtaining the preheminance before either of those Nations that compose the Empire of *Great Britain*. It concerns our Neighbours so much the more to inquire into this, because it is visible from the Resentments of it by the *Spanish* Court, that this matter is more like to affect the advantageous Trade that *England* drives with *Spain*, than our Settlement in *America* was ever like to do; which tho it be made a Sacrifice to his Catholick Majesty, and perhaps on purpose to make him digest the other Project with more ease, is like to be of as little advantage to *England*, as was the Sacrifice of the Great Sir *Walter Raleigh* formerly, tho it may be infinitely more to their damage. If our Neighbours have a mind to be fully inform'd of this Matter, they know who were employ'd in those Negotiations, and how to speak with them.

We come next to consider the Opposition made to our Subscriptions at *Hamburg* by Sir *Paul Ricaut* the *English* Resident there, in conjunction with his Majesty's Envoy to the Court of *Lunenbourg*, who deliver'd in a joint Memorial to the Senate of *Hamburg*, threatening them with the height of his Majesty's Displeasure, if they join'd with the *Scots* in any Treaty of Commerce whatsoever. This we shall not need to make any Reflections upon, the Petitions from the Company to his Majesty and his Privy Council in *Scotland* being sufficient for that end.

The Opposition the Scots Company met with at Hamburg.

Their first to the King was dated June 28. 1697. and is as follows.

To the King's most Excellent Majesty,

The humble Address of the Council General of the Company of Scotland,
trading to Africa and the Indies.

May it please your Majesty:

WHEREAS by the 32^d Act of the 4th Session, and by the 8th Act of the 5th Session of your Majesty's current Parliament, as well as by your Majesty's Patent under the Great Seal of this Kingdom, this Company is establish'd with such ample Privileges, as were thought most proper and encouraging both to Natives and Foreigners to join in the carrying on, supporting, and advancement of our Trade: The most considerable of the Nobility, Gentry, Merchants, and whole Body of the Royal Burrows, have, upon the Inducement and publick Faith of your Majesty, and Acts of Parliament, and Letters Patent, contributed as Adventurers in raising a far more considerable joint Stock, than any was ever before rais'd in this Kingdom for any Publick Undertaking, or Project of Trade whatsoever; which makes it now of so much the more universal Concern to the Nation.

The Company's first Address to the King.

And for the better enabling us to accomplish the Ends of your Majesty's said Act of Parliament, and Letters Patent, we have, pursuant thereunto, appointed certain Deputies of our own number, to transact and negotiate our necessary Affairs beyond Sea, and at the same time to treat with such Foreigners of any Nation in Amity with your Majesty, as might be inclinable to join with us for the purpose aforesaid. In the prosecution of which Commission to our said Deputies, vested with full Power and Authority according to Law, We are not a little

surpriz'd to find, to the great hindrance and obstruction of our Affairs, That your Majesty's Envoy to the Courts of *Lunenburg*, and Resident at *Hamburg*, have, under pretence of special Warrant from your Majesty, given in a joint subscribed Memorial to the Senate of *Hamburg*, expressly invading the Privileges granted to our Company by your Majesty's said Acts of Parliament, and Letters Patent, as by the herewith transmitted Copy may appear.

By the which Memorial we sustain great and manifold Prejudices, since both the Senate and Inhabitants of the said City of *Hamburg* are thereby, contrary to the Law of Nations, expressly threatned with your Majesty's Displeasure, if they, or either of them, should countenance or join with us in any Treaty of Trade or Commerce whatsoever; which deprives us of the Assistance which we had reason to expect from several Inhabitants of that City.

For redress whereof we do in all Duty and Humility apply to your Majesty, not only for the Protection and Maintenance of our Privileges and freedom of Trade, but also for reparation of Damage, conform to your Majesty's said Acts of Parliament and Letters Patent. And we further beg leave humbly to represent to your Majesty, that tho by the said Acts of Parliament and Letters Patent, we conceive our selves legally and sufficiently authoriz'd to treat even with any Sovereign Potentate or State in Amity with your Majesty for the support and advancement of our Trade; yet we by our said Deputies have only treated with particular and private Merchants of the said City of *Hamburg*, without ever making any the least Proposal to the Senate thereof: and this we humbly conceive to be the natural Right and Privilege of all Merchants whatsoever, even tho we had wanted the Sanction of so solemn Laws; and without some speedy Redress be had therein, not only this Company, but all the individual Merchants of this Kingdom, must from henceforward conclude, that all our Rights and Freedoms of Trade are and may be further by our Neighbours violently wrested out of our hands.

We therefore, to prevent the further evil Consequences of the said Memorial to our Company in particular, do make our most humble and earnest Request to your Majesty, That you would be graciously pleas'd to grant us such Declarations as in your Royal Wisdom you shall think fit, to render the Senate and Inhabitants of the said City of *Hamburg*, and all others that are or may be concern'd, secure from the Threatnings and other Suggestions contain'd in the said Memorial, as well as to render us secure under your Majesty's Protection, in the full Prosecution of our Trade, and free Injoyment of our lawful Rights, Privileges, and Immunities contain'd in your Majesty's Acts of Parliament and Letters Patent abovemention'd.

Sign'd at Edinburgh the 28th day of June 1697. in Name, Presence, and by Order of the said Council General, by,

May it please your Majesty,
Your Majesty's most Faithful, most Dutiful, most Humble, and most Obedient Subject and Servant,

Sic subscribitur, Yester P.

The King's Answer to the above-written Address,

*By the Right Honourable the Earl of Tullibardin, &c. and
Sir James Ogilvie, Principal Secretaries of State.*

*The King's
Answer.*

My Lords and Gentlemen,

WE are empower'd by the King to signify unto you, that as soon as his Majesty shall return to *England*, he will take into Consideration what you have represented unto him; and that in the mean time his Majesty will give Orders to his Envoy at the Courts of *Lunenburg*, and his Resident at *Hamburg*, not to make use of his Majesty's Name or Authority for obstructing your Company in the prosecution of your Trade with the Inhabitants of that City.

Signed at Edinburgh the 2d day of August, 1697.

*Sic subscribitur, Tullibardin.
Ja. Ogilvie.*

The

The Company finding that the said Resident did, notwithstanding this Answer, continue his Opposition, and deny that he had any Orders to the contrary, petition'd his Majesty's Privy Council afresh as follows.

To the Right Honourable the Lord High Chancellor, and Remanent Lords of his Majesty's most Honourable Privy Council;

The Humble Representation of the Council General of the Company of Scotland trading to Africa and the Indies.

May it please your Lordships;

TIS not unknown to your Lordships, how that in several successive Sessions *Their Address to the Privy Council of Scotland.* of this current Parliament, his Majesty's Instructions to his respective High Commissioners, and their several Speeches pursuant thereto, have been full of repeated Assurances of his Majesty's good Inclinations for encouraging the Trade and Manufactories of this Nation: And Whereas accordingly by the 22d Act of the fourth Session, and the 8th Act of the 5th Session of the said Parliament, together with his Majesty's Patent under the Great Seal of this Kingdom, our Company is establish'd with such ample Privileges and Immunities as were thought most proper for encouraging both Natives and Foreigners to join in the carrying on, supporting, and advancement of our Trade; we in pursuance, and upon the Publick Faith thereof, not only contributed at home a far more considerable joint Stock than ever was yet rais'd in this Nation for any Publick Undertaking or Project of Trade whatsoever, but have also had all the promising hopes and prospect of Foreign Aid that our Hearts could wish, till (to our great surprize) the *English* Ministers at *Hamburg* have, under pretence of special Warrant from his Majesty, put a stop thereto, by giving in a Memorial to the Senate of that City, threatening both Senate and Inhabitants with the King's utmost Displeasure, if they should countenance or join with us in any Treaty of Trade or Commerce, as by the annexed Copy thereof may appear.

Upon due consideration whereof, we have in all Duty and Humility address'd his Majesty in *June* last for redress thereof: In answer to which Address his Majesty was then graciously pleas'd to signify by his Royal Letter, That upon his return into *England* he would take into consideration the Contents of our said Address, and that in the mean time he would give Orders to the said Ministers at *Hamburg*, not to make use of his Royal Name or Authority for obstructing the Trade of our Company with the Inhabitants of that City. In the full assurance of which we rested secure, and took our Measures accordingly, till to our further Surprize and unspeakable Prejudice, we find by repeated Advices from *Hamburg*, that the said Resident continues still contumacious; and is so far from giving due Obedience to his Majesty's said Order, that upon Application made to him by our Agent in that City, with all the respect due to his Character, he declar'd, that as yet he had got no such Order on our behalf; which by a further Address we are now to lay before his Majesty.

But whereas we humbly conceive your Lordships to be more immediately, under his Majesty, the Guardians of the Laws and Liberties of this Kingdom, We think it our Duty to represent to your Lordships the Consequences of the said Memorial, both with relation to our Company in particular, and the Privileges, Interest, Honour, Dignity and Reputation of the Nation in general.

Your Lordships very well know of what Concern the Success of this Company is to the whole Kingdom, and that scarce any particular Society or Corporation within the same can justly boast of so solemn and unanimous a Suffrage or Sanction, as the Acts of Parliament by which this Company is establish'd. So that if effectual Measures be not taken for putting an early stop to such an open and violent Infringement of, and Inroad upon the Privileges of so solemn a Constitution, 'tis hard to guess how far it may in after Ages be made use of as a Precedent for invading and overturning even the very Fundamental Rights, natural Liberties, and indisputable Independency of this Kingdom, which by the now open and frequent Practices of our unkind Neighbours, seem to be too shrewdly

An Inquiry into the Causes of

pointed at. And should this Company (wherein the most considerable of the Nobility, Gentry, Merchants, and whole Body of the Royal Burroughs are concern'd) be so unhappy (which God forbid) as to have its Designs render'd unsuccessful thro the uncountable evil Treatments of our said Neighbours; most certain it is that no Consideration whatever can hereafter induce this Nation to join in any such other Publick Stock, tho never so advantageous an Undertaking, as not doubting but to meet with the like or greater Discouragements from those who give such frequent and manifest Indications of their Designs to wrest our Right and Freedom of Trade out of our hands.

For which Cause we humbly offer the Premises to your Lordships serious Consideration, not doubting but you will (in your profound Wisdom and Prudence) take such effectual Measures for redress thereof at present, and to prevent the like Incroachments for the future, as may be capable to remove those Apprehensions and Jealousies, which the bare-fac'd and avow'd Methods of the *English* do now suggest, not only to our Company in particular, but even to the whole Body of this Nation in general.

Sign'd at *Edinburgh* the 22d day of *December* 1697. in Name, Prefence, and by Order of the said Council General, by,

May it please your Lordships,

Your Lordships most Obedient, and most Humble Servant,

Sic subscribitur, Francis Scot P.

And therewith they join'd another to the King, as follows.

To the King's most Excellent Majesty,

*The Humble Address of the Council General of the Company of Scotland,
trading to Africa and the Indies.*

May it please your Majesty;

*The second
Address to
the King.*

BY a former Address of the 28th of June last, We have humbly represented to your Majesty, that your Majesty's Envoy to the Court of *Lunenburg*, and Resident at *Hamburg*, did, under pretence of special Warrant from your Majesty, give in a Memorial to the Senate of the said City of *Hamburg*, contrary to the Law of Nations, and expressly invading the Privileges contain'd in the said Acts of Parliament and Letters Patent, by which our said Company is establish'd; Copys of which Address and Memorial, we have for your Majesty's better Information hereunto annex'd. In answer to which your Majesty was then graciously pleas'd to signify by your Royal Letter, that upon your Majesty's arrival in *England*, You would take the Contents of our said Address into consideration; and that in the mean time You would give Orders to your said Minister not to make use of your Majesty's Name or Authority for obstructing our Company in the prosecution of our Trade with the Inhabitants of the said City of *Hamburg*. In the full assurance of which we rested secure, and took our Measures accordingly, till, to our further Surprize and great Disappointment, we find, by repeated Advices from *Hamburg*, that your Majesty's said Resident continues still contumacious; and is so far from giving due Obedience to your Majesty's said Order, that upon Application made to him for that effect, with all respect due to his Character, he pretended that he had never as yet got any such Order on our behalf: Which we thought fit, in all Duty and Humility, to lay before your Majesty, renewing withal our most humble and earnest Request, that your Majesty would be now graciously pleas'd to take the Contents of this and our said former Address into consideration, and, in your Royal Wisdom, order some speedy and effectual Redress of our Grievances therein mention'd, and a just Reparation of the manifest Damages which our Company has already sustain'd by reason of the said Memorial: And grant us a Declaration under your

Royal

‘ Royal Hand, to render the Senate and Inhabitants of the City of *Hamburg*,
 ‘ and all others with whom we may have occasion to enter into Commerce, secure
 ‘ from Threatnings and other false Suggestions contain’d in the said Memorial, as
 ‘ well as to render us secure under your Majesty’s Protection, in the free Enjoy-
 ‘ ment of our lawful Rights and Privileges contain’d in your Majesty’s Acts of
 ‘ Parliament and Letters Patent abovemention’d.

*Sign’d at Edinburgh the 22d Day of December, 1697. in Name, Presence, and by
 Order of the said Council General, by*

May it please your Majesty,

Your Majesty’s most Faithful, most Dutiful, most Humble,

and most Obedient Subject and Servant,

Sic subscribitur Francis Scot P.

Notwithstanding all this humble Application, there was no stop put to that Op-
 position: So that the *Hamburgers* dar’d not venture to subscribe; and the Com-
 pany, after great loss of Time and Mony, and leaving two Ships unfinish’d, to the
 great Dishonour, as well as Disadvantage of the Nation, were oblig’d to recal
 their Agents, after having spent 30000 *l.* and not receiv’d one Farthing there,
 tho the *Hamburgers* were so willing to join, that they were sorry there was not
 room left for subscribing more than 200000 *l.*

The Company finding themselves thus injuriously dealt with, made application
 to the Parliament of *Scotland* for Redress. Upon which the Parliament presented
 the following Address to his Majesty.

An Address to his Majesty, by the Parliament.

‘ **W**E your Majesty’s most loyal and faithful Subjects, the Noblemen, Barons *The Parli-*
 ‘ and Burgesses conven’d in Parliament, do humbly represent to your Ma- *ament of*
 ‘ jesty, That having consider’d a Representation made to us by the Council Gene- *Scotland’s*
 ‘ ral of the Company trading to *Africa* and the *Indies*, making mention of several *Address to*
 ‘ Obstructions they have met with in the prosecution of their Trade; particularly *his Majesty*
 ‘ by a Memorial presented to the Senate of *Hamburg* by your Majesty’s Resident *thereupon.*
 ‘ in that City, tending to lessen the Credit of the Rights and Privileges granted
 ‘ to the said Company by an Act of this present Parliament.

‘ We do therefore, in all humble Duty, lay before your Majesty the whole Na-
 ‘ tion’s Concern in this Matter: And we most earnestly do intreat, and most assu-
 ‘ redly expect, That your Majesty will in your Royal Wisdom take such measures
 ‘ as may effectually vindicate the undoubted Rights and Privileges of the said Com-
 ‘ pany, and support the Credit and Interest thereof.

‘ And as we are in Duty bound to return your Majesty most hearty Thanks for
 ‘ the Gracious Assurances your Majesty has been pleas’d to give us of all due En-
 ‘ couragement for promoting the Trade of this Kingdom; so we are thereby in-
 ‘ courag’d at present, humbly to recommend to the more special Marks of your
 ‘ Royal Favour, the Concerns of the said Company, as that Branch of our Trade,
 ‘ in which we, and the Nation we represent, have a more peculiar Interest.

‘ *Subscrib’d at Edinburgh the 5th of August, 1698. in Name, Presence, and by
 ‘ Warrant of the Estates of Parliament.*

SEAFIELD J.P.D.P.

By all this it is evident, that the whole Kingdom of *Scotland* was unanimous in *These Ap-*
 this matter, and proceeded deliberately in it, as that which highly concern’d their *plications*
 Interest: yet we see that all their Endeavours were to no purpose; for our Ene- *were all in-*
 mies were so resolute in opposing our Trade, that rather than it should succeed they *effectual.*
 will not only trample under foot the Laws of *Scotland*, but the Laws of Nations,
 and

The Power
of the
States of
Scotland
over their
Kings.

and exactly follow the Pattern set them by the *French*, in huffing and tyrannizing over their Neighbours, when at the same time they pretend to make War upon *Lewis XIV.* for Practices of the same nature; and whilst they cry out upon the Decisions of the Chambers of *Brisac* and *Mets*, and of the Parliament of *Paris* as tyrannical and unjust for invading the Rights of Neighbouring Princes and Nations, they set up a Cabal at *Whitehall* to do the like by *Scotland* and *Hamburg*. Then let the World judg, whether the King of *England* had not less reason to say that he was ill serv'd in *Scotland*, than the King of *Scots* had to say that he was ill serv'd in *England*, since one single Address from the Parliament of *England* prevail'd with their King to forbid all his Subjects to join with the *Scots*; whereas the repeated Supplications of the Company of *Scotland*, the Address of their Parliament, and the Authority of Law, and his own Letters Patent could not prevail with the King of *Scots* to do Justice to his own Subjects. We wish these Gentlemen would consider this, who were so very angry at the Author of the *Defence of the Scots Settlement*, for saying that the King of *Scots* was detain'd Prisoner in *England*. It is very certain, that never any King of *Scotland* before the Union of the Crowns, dar'd thus to trample upon their Laws, or to oppose the general Interest of the Nation; or if they attempted to do it, they were quickly made sensible of their being inferior to the Law, and the States of the Nation assembled in Parliament, who till the Accession of our Princes to the *English* Throne remain'd in an undisputed possession of calling their Kings to an account for Male-administration, and of disposing of their Lives and Liberties as they saw Cause. We need not go so far back for Evidence to prove this, as *Eugenius* the VIIIth, who was brought to his Trial on suspicion of having murder'd his own Wife, and acquitted upon discovery of the real Murderers; or of *James III.* whose Minions, by whose Counsel he govern'd, were taken out of his own Bed-chamber by the Nobles, and hang'd over *Lauder-bridg*; and he himself persisting in those Courses, was kill'd in fight, after being defeated in Battel by the States, and in the next Parliament was voted to be lawfully slain.

We have a later Instance, and the Power of our Nation on that Head was largely asserted and accounted for by the Earl of *Morton* then Regent of *Scotland*, in that noble Memorial he deliver'd in to Queen *Elizabeth* and her Council in defence of our Proceedings against Queen *Mary*, whom we dethron'd, and in her stead set up her Son; so that it is not the Principle or Practice of any one Party of our Nation (tho it has been of late fix'd upon the Presbyterians as peculiar to them) but was an Hereditary Right convey'd to us all by our Ancestors, practis'd by Papiists before the Reformation, and justify'd by those of the Episcopal Persuasion since, particularly by the Earl of *Morton* beforemention'd, who was the first that introduc'd Bishops into our Church after the Reformation.

Those that
advise'd his
Majesty to
discourage
their Trade
his greatest
Enemies.

These things are not insist'd upon with any Design of applying them to his present Majesty, or of incensing the People of *Scotland* to do so, but only to inform those that put his Majesty upon such Courses, that they are his greatest Enemies, and do what in them lies to destroy him. It is the common Right of Mankind to be protected by those they set over them, and to complain of Governors when they find themselves aggriev'd, and their Privileges torn from them by Violence. This Generation has prov'd it beyond possibility of Reply, that the greatest Pretenders to Submission to Princes, and the most zealous Patrons of Passive Obedience, will resist and dethrone their Kings too, when they find themselves oppress'd by them. They that maintain the contrary, are nothing but mean-spirited Flatterers, or such as temporize with Courts, because of their own private Advantage; and be their Quality what it will, are far from being so noble and brave as that poor Woman who told *Philip* of *Macedon*, that he ceas'd to be King when he refus'd to hear her Petition. Upon the whole it will appear, that the Author of the *Defence of the Scots Settlement*, made the best Apology for his Majesty that could be made, when he said that he was a Prisoner in *England*, and therefore forc'd to act thus against the Interest and Dignity of his Crown as King of *Scots*. It is demonstrated thus: If his Majesty were in *Scotland*, and another Person upon the Throne of *England*, it is certain his Majesty would have encourag'd the Trade of *Scotland*, and reformed such Practices in the King of *England*, as contrary to the Laws of Nations, and the Sovereignty of his Crown: If he did not, he wou'd be look'd upon to be mean-spirited, and not fit to wear it; and if he took part with the King of *England* against the Dignity of his Crown, and the Interest of his Kingdom, he would not only be look'd upon as an Enemy to his Country, but

but as *felo de se*. From all which it is plain, that as it is the best Apology that can be made for the King of *Scots* when he acts thus, contrary to the Honour and Interest of himself and his Country, to say, he is a Prisoner in *England*; so it is a sufficient Justification of the People of *Scotland* to refuse Obedience to what he commands by the Influence of the *English*, or other Councils, in opposition to their Interest, because they are the Commands of a Captive, and not of the King of *Scots*. If our Enemies say he is no Captive, but at Liberty to go to *Scotland* if he pleases, it is so far from making his Case better, that it makes it ten times worse; for if his Affections be captivated, we are without remedy, except we either sue for a Divorce, as in case of wilful Desertion, and denying conjugal Duty, or withdraw from under his Roof, and remove to another Family, as God and Man will allow one Sister to do that is oppress'd, and deny'd the Privileges of paternal Love and Protection, whilst another is caress'd and dandled, and has her Fortune rais'd by diminishing that of the neglected Sister.

The *Jamaica* Proclamation against our Colony at *Darien* comes next to be consider'd, and is as follows.

By the Honourable Sir William Beeston Knight, Governor and Commander in Chief for his Majesty in the Island of *Jamaica*, and of the Territories and Dependencies of the same, and Admiral thereof.

Whereas I have receiv'd Orders from his Majesty by the Right Honourable James Vernon, one of the Principal Secretaries of State, importing, That his Majesty was not inform'd of the Intentions and Designs of the *Scots* in peopling *Darien*, which is contrary to the Peace between his Majesty and his Allies, commanding me not to afford them any Assistance: In compliance therewith, in his Majesty's Name, and by his Order, I do strictly charge and require all and every his Majesty's Subjects, that upon no pretence whatsoever they hold any Correspondence with the *Scots* aforesaid, or give them any Assistance, with Arms, Ammunition, Provision, or any thing whatsoever, either by themselves or any other for them; nor assist them with any of their Shipping, or of the *English* Nation's, upon pain of his Majesty's Displeasure, and incurring the severest Punishment. Given under my Hand and Seal of Arms, the 9th of April, 1699. and in the Eleventh Year of the Reign of William the Third, King of *England*, *Scotland*, *France* and *Ireland*, and Lord of *Jamaica*, Defender of the Faith.

The *Jamaica* Proclamation against the Colony at *Darien*.

It contains a heavy Charge against the *Scots* Company, as having settled in *Darien* without informing his Majesty, and having thereby broke the Peace betwixt his Majesty and his Allies. As to their not informing his Majesty with their Design, there was neither any need of it, nor had they reason to do it. That there was no need of it, is plain enough from the Act of Parliament empowering them to settle any where in *Asia*, *Africa*, or *America*, upon Places not inhabited, or any other Place, with Consent of the Natives, and not possess'd by any European Potentate, Prince or State: So that they were under no Obligation to acquaint him where they design'd to settle, provided they kept to the Terms of the Act. And that they had no Cause so to do, is evident from that unreasonable Opposition that Faction at Court had prevail'd with him to make to them all along, which gave them just Cause to expect the like Treatment in time to come.

It contains a heavy Charge against the *Scots*.

Then as to the Breach of the Peace betwixt his Majesty and his Allies by the Settlement, they had no reason to think themselves guilty of any such thing, and so much the less, that *Dampier*, *Waser*, and all others that wrote of the Country gave an Account of the Natives being in possession of their Liberty, and almost in continual Wars with the *Spaniards*. Besides, it was a rul'd Case in *England*, since aptain *Sharp* was by Law acquitted in King *Charles* the Second's time, not only for having march'd thro *Darien* in a hostile manner, but for attacking Places that were really in possession of the *Spaniards*, as *St. Maria* and *Panama*, because he acted by virtue of a Commission from those *Darien* Princes. This, together with his not finding a *Spaniard* or *Spanish* Garrison on all that part of the Isthmus, was enough to justify the fairness of the *Scots* Settlement there, and to have put a stop to this hasty Sentence till both sides had been heard.

As guilty of the Breach of the Peace.

But instead of that, the Advisers to this Proclamation take upon them, in a very Magisterial manner, to declare the *Scots* guilty of a Breach of the Peace betwixt his Majesty and his Allies : which is so much the more remarkable, that this Proclamation is publish'd in the *West-Indies*, before ever it was known what the *Scots* could say in their own Defence ; and sent away before the presenting of the *Spanish Memorial*, which was on the third of *May*, 1699. and the Proclamation bears date *April 9*. 1699.

The Un-
fairness
of it.

The Unfairness of this Proclamation is evident from this, that at the very same time it is publish'd in the *West Indies*, the Lord President of the Sessions, and his Majesty's Advocate for the Kingdom of *Scotland* were sent for from hence to see what they could say to justify their Pretensions to *Darien* ; which they did by such Arguments as have not yet been answer'd.

We leave it then to the impartial Thoughts of the good People of *England*, whether we have not occasion to say that our King is in the Hand of our Enemies, since we are thus condemn'd without a hearing, and our Nation put to the Trouble and Expence to send Lawyers out of the Kingdom to defend themselves before those that had already condemn'd them. And since this is a visible effect of the Union of the Crowns, by which we are every day more and more oppress'd ; let them speak their Consciences, if we have not all the reason in the World to dissolve that Union, except the Nations be more closely united, and upon a better footing.

They might
justly ex-
pect better
Treatment
now than
in former
Reigns.

That we were so treated in former Reigns, we had no great Cause to wonder, when the Court was engag'd in a Conspiracy against our Religion and Liberties. And our Nation being inferior to none in their Zeal for both, it was but natural to think that we should be the first Sacrifice : But to be treated thus by a Prince who hath ventur'd his Life to save us from Popery and Slavery ; a Prince who for Courage in War, and Conduct in Peace, is not to be match'd in Story ; a Prince who is, under God, the Great Champion of our Religion, and the bold Asserter of *Europe's* Liberty ; a Prince whose Family we revere, and whose Person we adore ; a Prince for whom we have so cheerfully ventur'd our Lives, and lost so much of the best Blood in our Veins ; to be so treated by such a Prince hath something cutting beyond Expression, and proves that our Disasters are no way to be remedied, but either by a total Separation, or a closer Union of the two Kingdoms.

We cannot be so unjust to his Majesty's Character as to think a Prince of his Magnanimity could be guilty of so mean a thing as willingly to subject the Crown of his antient Kingdom, which he receiv'd free, to that of another. We cannot once suffer it to enter into our Thoughts, that he who dares to out-brave Death in the Field a thousand times a day, should act so unworthy a part as first to condemn, and then to try us. These and all other things of that sort we must needs charge to the account of our Enemies about him, who misrepresent us, and therefore surprize his Majesty into any thing he does against us.

Of their
acting con-
trary to the
Peace be-
tween his
Majesty
and his
Allies.

As to that positive Sentence of our having acted contrary to the Peace betwixt his Majesty and his Allies, we have all the reason in the World to complain of it. Is our Kingdom then become so mean and contemptible, that what is transacted according to the Acts of our Parliaments, and Patents of our Kings, is liable to be annull'd, or declar'd illegal, by any Person that has the hap to be made an *English* Secretary of State, Governor of one of their *American* Plantations, or a Member of their Council of Trade ? If it be so, his Majesty's Dignity, as King of *Scots*, is well defended in the mean time, when it is liable thus to be trampled upon by his own Servants as King of *England*. This does indeed verify what has been said, that our Kings since the Union leave their antient Kingdom to the disposal of their Servants : but whether this be agreeable to the Coronation-Oaths of our Kings, let them determine that are concern'd to enquire ; and perhaps it may be worth the consideration of our Neighbours, whether since we have been govern'd by Servants, they have not for the most part been subject to Minions, and that the one does naturally pave the way for the other. So that they are no great Gainers by the Bargain.

That the
Proclama-
tions a-
gainst the
Scots were
by the K's
Authority.

If it be answer'd, that the Proclamations are issu'd by his Majesty's Authority, and that therefore our Sentence proceeds from his Bar :

We answer, 1. That there are shrewd Suspicions that a certain Gentleman or two, who have affected all along to shew their Zeal against the *Scots* in this Affair, have push'd this Matter beyond their Instructions ; for there's no Man that knows his

his Majesty's Justice and Wisdom, can admit a Thought that he would condemn us before we were heard.

2. We don't at all question his Majesty's Authority as King of *England*, to forbid his *English* Subjects to give any manner of Assistance to the *Scots* at *Darien* (tho we might say it was unkind) but we absolutely deny that he has any Authority as King of *England* to condemn the Proceedings of the Subjects of *Scotland* for any thing they transact without the Dominions of *England*. If it be otherwise, his Majesty, as King of *Scots*, is bound to appear at the *King's-Bench-bar* in *Westminster Hall* for what he has done as King of *Scots*, upon the Lord Chief Justice's Summons; and of what Consequence this may be to himself, or his Successors, may be easily judg'd. Had *Oliver*, and the other Regicides, bethought themselves of this, it had been more for the Honour of *England*, and would have taken off a great deal of the Odium that is charg'd upon them for cutting off King *Charles*, had they search'd for something Criminal in his Conduct toward the *English* Nation as King of *Scots*, and condemn'd him for that. Tho they did not think upon this, perhaps others may; and then the *English* will be able to justify themselves as not having cut off their own King, but their Enemy the King of *Scots*, as there's no doubt they would have done by King *Charles* the Second, had he not made his Escape after the Battel of *Worcester*.

This may perhaps deserve the Thoughts of his present Majesty and others concern'd in the Succession, and so much the more that the dependence of the Crown of *Scotland* upon that of *England* hath been lately asserted by some *English* Historians, and indirectly hinted at in a pretended Answer to the *Defence of the Scots Settlement at Darien*, pag. 24.

But to satisfy that Gentleman and others, who please themselves so much in vilifying the *Scottish* Nation, they may turn to the Reigns of *Edward* I. II. and III. and they will quickly find that Sir *William Wallace*, King *Robert Bruce*, *James* Lord *Douglas*, *Thomas Randolph* Earl of *Murray*, and others that we could name, did so gallantly defend the Sovereignty of *Scotland* against those bold Pretenders to a Superiority over us, that their Successors have had no great stomach to pursue their Claim to it since: So that if ever they had any, it is forfeited by Prescription.

Oliver's imaginary Conquest so much insisted on by the dull Answerer of the *Scots* Defence, and others, will be of no use to the Faction in this matter, since that was no National Quarrel, nor did the *English* pretend to any such thing as a Conquest of us, but immediately withdrew their Forces upon the Restoration. So that *Oliver's* Conquest, as he calls it, was only the Victory of one Party over another in a Civil War, it being well known that he had Friends in *Scotland* as well as *England*, which (if that wise Author will have *Oliver's* Victories to be Conquests) he had conquer'd too before ever he came near *Scotland*.

We don't insist upon this with any design to derogate from the Valour of the *English* Nation, which is known all over the World, but to stop the mouths of those pitiful Scriblers, and to give a *Caveat* to those Gentlemen about Court, who talk so big of conquering *Scotland* upon this present occasion.

But we wish them to consult beforehand how *England* in general stands affected to such a Design, and how they will justify the Lawfulness of it; lest it fare with them as it did with King *Charles* I. and his Cabal, who not only in Council advis'd, O REDUCE US TO OUR DUTY BY FORCE RATHER THAN GIVE WAY TO OUR DEMANDS, as may be seen in the *Representation of the States of Scotland* in 1640. but rais'd Mony, and levy'd a formidable Army to carry on their Design: and yet the Hearts of these Bravos fail'd them when they were in view of the *Scots*, who repuls'd them twice with shame, the first time when they encamp'd their great Army near *Berwick*, and the next when we charg'd them at *Newburn*. And at last the best of the Nobility and Gentry of *England* thought fit to put a stop to those dangerous Proceedings, and follow'd his Majesty with a Protestation against them, as well knowing, that if *Scotland* were once subdu'd, the Liberties of *England* could not be long liv'd.

That it is the Interest of *England* now to prevent the Ruin of *Scotland*, as much 'Tis the Interest of

as it was then, will appear by the following Arguments.
1. That the present Juncture of Affairs makes it necessary for the Kingdom of *England* rather to strengthen themselves by making new Friends than by procuring Ruin of the
new Enemies. They are not ignorant that they have a controverted Title to their Scots now
Crown entail'd upon them, and that the Pretenders against those in possession are as well as
in 1640.

in the *French* Interest, and under their Protection. Nor can they be ignorant, that to the old National Hatred betwixt *France* and *England*, the *French* have added that of the Protestant Religion. Of late Years they have declar'd themselves the most implacable Enemies of it; and their King in all his Triumphs has that ascrib'd to him as his greatest Exploit, that he hath quell'd the Monster of Heresy. The Case being thus, it must needs be against the Interest of *England* to suffer any froward and headstrong Faction to embroil them with *Scotland*, or to ruin that Kingdom; the Consequence of which will be the exposing themselves as an easier Prey to the Conquest of the *French*, or any other Enemy.

The *French* fomented the late Civil Wars, and their Interest now to divide us.

That the *French* had a hand in fomenting our late Civil Wars, and made use of their Firebrands in all Parties, is beyond dispute; and that it is now more their Interest to divide us than ever, is so palpable that it cannot be deny'd. Nothing in human probability could have stop'd the impetuous Current of their Arms, but the Interposition of *Great Britain*; and therefore it concerns them, both in point of Interest and Revenge, to dash us against one another: and if the ill Usage that we meet with from the Court of *England* should force us again into a *French* or other Alliance, the World cannot blame us; since the Laws of Nature and Nations are for us. Put the Case that a smaller number of Christians should be unjustly attack'd by a greater, whom nothing will satisfy but the utter Ruin of the former: Could any man in conscience blame the weaker Party to call in the Assistance of Jews and Pagans to preserve their own Lives? Is it not the same Case with the *Scots*? Have they not ever since the Union of the Crowns been oppress'd and tyranniz'd over by a Faction in *England*, who neither will admit of an Union of the Nations, nor leave the *Scots* in possession of their own Privileges, as Men and Christians? Was it not a Party in *England* that impos'd upon us first in Matters of Religion? Did we send first to oblige them to submit to the *Geneva* Discipline, as they call it; or was it they that first impos'd their Ceremonies and Forms of Prayer upon us? Was it we who first invaded them with an Army to subvert their Civil and Religious Liberties, or did not they first invade us? Was it we who first made Acts against their Trade, or they who made Acts destructive of ours? Did we issue Proclamations against their Colonies, or have they done so by ours? In the name of God then let them declare what they would have us to do. They will not unite with us, nor suffer us to live by our selves: Nor must we have any share of their Trade, or carry on a Trade by our selves. Is it not plain then that the Faction oppress us? and yet we must not complain of this sort of Treatment.

An Account of the Affairs in Ireland.

2. If the state of Affairs in *Ireland* be consider'd, it will appear to be such, as may make it dangerous to suffer the *Scots* to be oppress'd and provok'd in this manner. It is well enough known that the People of *Ireland* are not very well pleas'd with their Treatment by some in *England*. This, together with the great numbers of *Scots* in the North of that Kingdom, who bear a natural Affection to their Country, and would be very uneasy to see its Ruin, may prove of dangerous Consequence, in case of a Rupture with *Scotland*.

And the Divisions in England.

3. It will further appear to be the Interest of *England* not to suffer the *Scots* to be so much run down, if they consider the Posture of their own Affairs at home. The Divisions and Animosities betwixt the several Parties in *England* are well enough known: So that besides the Sport it would afford to the common Enemy of our Religion and Country, to see those two Nations engag'd in War, the Enemies of the present Government would be sure to improve it, and watch for an Opportunity to avenge themselves for what has been done against the late King *James* and his Friends. It is well enough known what hopes they and some People beyond Sea conceive from the Differences that this Treatment of the *Scots* may probably occasion; and as they have an irreconcilable Hatred against our Nation, because we declar'd so generally against the late King, and are so zealous for his present Majesty, there's no doubt but they will foment our Divisions as much as they can, and insinuate themselves with both Parties, in order to set them together by the Ears. They know that so many as fall in *England* of those who adhere to the present Constitution, and so many as fall in *Scotland* for supporting the Trade and Freedom of their Country, so many Enemies they are rid of; therefore there's no question but they promise themselves a plentiful fishing in such troubled Waters.

It likewise deserves the consideration of our Neighbours, that they don't stand at present in very good Terms as to Matter of Trade with *France*, *Holland* and *Flanders*; nor is it well known what the Issue of the present Controversy with *Spain* about regulating their Succession may be. The impending Differences be-

twixt the Northern Crowns may perhaps in a little time imbroil them with one or other of them, and affect their Trade also on that side. All which being consider'd, it would seem to be the Interest of *England*, to assure themselves of the Friendship of the *Scots*, by treating them in a kind and neighbourly manner.

4. It will appear in particular not to be the Interest of the Dissenters and sober Churchmen, that the *Scots* should be thus run down, because their own Ruin will be the unavoidable Consequence of it. This they may soon be convinc'd of if they will give themselves leave to consider how they were treated in King *Charles* the First's time, when the Court did swell with so much Rage against the Kingdom of *Scotland* for asserting their Liberties then, as they do now. All those Church of *England* Men that could not conform to the Innovations brought into the Church by *Laud* and his Party, were treated as Puritans and Schismatics; and those that appear'd for the Liberties of the Nation against the Ship-mony and other Arbitrary Impositions of the Court, were treated as Rebels and Traitors. If they look into the two last Reigns, it will appear as plain as the Sun, that when *Scotland* was oppress'd, and their Liberties wrested from them, the Dissenters and moderate Churchmen in *England* were brought under the lash: the former were depriv'd of their Religion and Liberties, and the latter expos'd to destruction by Sham-plots, &c. because of their appearing for the Laws of their Country. We need mention no more Instances to put this out of Controversy, than those deplorable ones of the Earl of *Essex* and Lord *Russel*; to which we may add the shameful and barbarous Treatment of the worthy Mr. *Johnson* Chaplain to the latter, because he so excellently defended with his Pen the Birthright and Freedom of all true *English* men.

If the Scots be run down the Dissenters in England will be so too.

From all this it will appear that *England* in general must suffer by the Ruin of *Scotland*, and that those who have all along stood up for the *English* Liberties, must lay their Account to come under the Lash, if once our Necks come under the Yoke: therefore we dare appeal to the sober Men of the Church of *England*, Whether it be their Interest that a Nation which agrees with them in all the Articles of their Church, those about Discipline excepted, should be destin'd to Ruin, because we believe with most of the Reform'd Churches, that there is no Office superior to that of a *Presbyter* of Divine Institution. Must we be deny'd the Privileges of Men and Christians, because we think that the Discipline of the Church may be more safely intrusted, and more faithfully administred by the joint Endeavours of the Minister and the Heads of his Congregation, by an Association of Neighbouring Ministers and the Heads of their Parishes, and by Delegates both of the Clergy and Laity of those Associations in a general Convocation, than by another Model? But enough of this Subject. Let any Man peruse the learned Archbishop *Usher's* Treatise of *Presbytery and Episcopacy reconcil'd*, and there they will find that the Difference is not so great as some People have made it their Business to make the World believe. But if nothing less than our Destruction will serve those Gentlemen, because our Church is of a different Constitution from that of *England*, and that our political Principles and original Constitution are diametrically opposite to arbitrary Power, let the Dissenters of *England*, and all those Churchmen that concurr'd in the late Revolution, look to it. When their Neighbour's House is on fire, it's time for them to prepare their Buckets. If this Digression be thought impertinent, *H — s* and the Answerer of the *Scots Defence* must bear the blame of it. They would insinuate to the World that the Affair of our Trade and Colony is a *Presbyterian* Project, on purpose to render it odious and suspected to the Church of *England*; therefore it was necessary to obviate that false and malicious suggestion, and to acquaint our Neighbours that the Company make no difference to the matter of Persuasion: and let it be put to the Test when they please, it will be found that those of the *Episcopal* Opinion are as zealous for the thriving of our Trade, and the Honour of our Nation (both of which are concern'd in this fair) as any of the other.

England must suffer by the Ruin of Scotland.

To wind up this matter, if any Party in *England* entertain Suspensions of us, the better way to prevent us is to treat us kindly, and enter into an Union with us on such Terms as his Majesty and the Parliament of both Kingdoms shall agree, and so as the Civil and Religious Liberties of both People may be preserv'd. That will be easier and safer than to rely on the Hopes of an uncertain Conquest; or if they don't think fit to do so, it's but reasonable they should leave us in the undisturb'd possession of our own Liberties: But if they will do neither, let them no

more accuse those that complain of this Treatment as Incendiaries, but seriously examine whether they themselves may not with more Justice be accounted Oppressors.

PART II.

Being a more particular Answer to H---s Libel.

WE come in the next place to take a Survey of H---s Libel, intitled, *The Defence of the Scots abdicating Darien*; and shall speedily shew to how little purpose his Suborners have spent their Pains and Money on him.

The Scots had not greater Privileges than other Companies.

The first Line of his Performance is a Banter upon his Majesty, whom he charges with investing our Company with immense Privileges and Immunities by his Oath of 1695. There is no Man can be answerable for more sense than God has given him; but tho H---s understood no better, his Masters at Whitehall, of whom he brags so much, ought to have taken care that he should not run into Nonsense, and an Invektive against his Majesty at first dash: To talk of granting us immense Privileges, is to impeach his Majesty's Wisdom, as if he had done a thing without parallel, which is directly to incense the Kingdom of England against him, as some bad People endeavour'd to do, when by a Misrepresentation of our Design, they stir'd up the House of Commons against it. But had the Surgeon, or his Suborners, look'd into the Privileges of one and twenty Years Freedom from all manner of Taxes granted to the Dutch East-India Company by the States of Holland, and the vast Immunities granted by the French King, the Danes and Brandenburgers, to their Companies for trading to the East Indies, or even to those granted to the English East-India Company at first, they would have found there was no reason to charge his Majesty with granting us such immense and unparallel'd Privileges, or ascribing it to his not well knowing what he did for the noise of the Guns at Namur, as this petulant Scribler does, *Dedication, pag. 9*.

But if H---s and his Suborners exclaim against our Privileges as immense, they are resolv'd to diminish the Authority by which they were granted, and call it only by the name of an Oath, which signifies no more than a Patent; whereas our Privileges were granted us by Acts of Parliament, which are greater and more sacred than all the Oaths in Europe: Thus thro Ignorance or Malice they think fit to vilify his Majesty's Conduct and Authority, which they pretend to defend.

Their Malice is further demonstrated by the Parenthesis (*to be presum'd*) in the second Page of the Dedication, where they speak of his Majesty's Promise to interpose his Royal Authority to do us Right in case of Disturbance, and that at the publick Charge (*to be presum'd*) of his antient Kingdom. There might possibly have been some need of their Presumption, had all Mankind been indow'd with as little Sense and Honesty as H---s and his Suborners; for no other Body could ever presume it to mean any thing else, since our Acts do not oblige England: tho if they had presum'd that our Enemies would take care that the said Promise should not be kept, the Refusal of lending our Company the three Men of War built at the Charge of our own Nation, would soon have convinc'd the World that they had presum'd too true.

The Dutch, &c. pleas'd with the Scots Design.

We have accounted for rejecting Mr. Douglas's Proposal elsewhere; nor shall we take notice of H---s's scurrilous Reflections on Mr. Paterson, which only discover his own Temper, but do that honest Man no hurt. As to his charging us with squandering away 50000 l. on six Hulks at Amsterdam and Hamburgh, purely to make a Noise of our Proceedings, &c. we would desire him and his Suborners to reconcile it with what they say from pag. 14 to 20, where they own themselves that the Dutch and Hamburghers were both mightily pleas'd with the Design, p. 14. That the Dutch were tickled with the Conceit that they should be Sharers in the Scots Trade; and, p. 16. they say, That that which gave the dead stroke to the Scots Design, was the East and West-India Companies running open-mouth'd to the Lords of Amsterdam, shewing what was hatching by the Scots Commissioners in their City to ruin the Trade of the

United Provinces. P. 17. they tell us, *That the Hamburgers thought it the more their Interest to embrace the Project, the more that the Dutch oppos'd it.* P. 18. *That our Affair was generally favour'd by the Burghers of Hamburg:* and, p. 21. *That the Government of England sent the Senate of Hamburg a Caution by Sir Paul Ricaut to take care how they suffer'd their Burghers to embark with us.* So that here we condemn them from their own Mouths: It being plain from those Concessions, that we did not idly squander away our Money at *Hamburg and Amsterdam*; but that both those trading Cities approv'd our Design, and would have engag'd in it, had not the Court of *England* and the *Dutch* oppos'd it; and therefore what loss of Money we sustain'd in those Places, must be charg'd to their Account: so that *H—s* hath verifi'd the Proverb, *That Liars have need of good Memories.*

This is not the only Instance wherein those of *H—s* and his Suborners have giv'n them the slip; for in the 4th Page of the Dedication, they upbraid the Company with their blind Project, at which the trading part of the World stand amaz'd; yet, *Pag. 17.* they tell us that the Project was reasonable both on the *Scots* and *Hamburgers* side: and the Reasons they give are these, *That the River on which that City stands is navigable for 200 Miles up into Germany for flat-bottom'd Vessels of 70 or 80 Tuns,* which gives them an opportunity of serving all the North Parts of the Empire, &c. All that they can say to salve this Contradiction is, *That the Hamburgers knew nothing of Darien, but builded altogether on Ships laden with Indian Goods;* but that's a notorious Falshood, for the *Hamburgers* were actually told, that our Design was on the *Isthmus of America*, and therefore could not be disappointed in their Expectations of an *East-India Trade* if they had a mind to have follow'd it, since they could not be ignorant that they had thereby an opportunity of shortning the Voyage from *Darien* to the *East-Indies*. But at the same time it is much to be question'd whether the *Hamburgers* were so intent upon an *East-India Trade*, as *H—s* alledges, since it must visibly prejudice their own Manufacture of Linen.

The Hamburgers knew of the Scots Design upon Darien.

We shall conclude this of *Hamburg and Amsterdam* with one Observation, viz. that he tells us, *Pag. 14.* That one of the Reasons why the *Dutch* were so much taken with our *East-Indian Trade*, was our Exemption from Duties for 21 Years; which serves only to discover his own Folly and Malice, since every body must necessarily know, that Exemption from Dutys was only in the *Scottish Ports*; so that if they were exported from thence into any other Country, they must pay the same Dutys in those Countries, as if they had been directly imported from the *East-Indies*.

The freedom of Customs was only for the Ports of Scotland.

The Inconsistency of *H—s* and his Suborners is further demonstrated, p. 4. *They could by supposing our buying a couple of second-hand Ships in the Thames, and dispatching them to India with a suitable Cargo.* As to the buying of second-hand Ships, the Company made that Experiment, but found themselves losers by it, and that it cost them more to fit up a second-hand Vessel for their purpose, than it would have done to have bought a new one. But with what Front can they upbraid us with not buying of Ships in the *Thames* for carrying on an *East-India Trade*, when they own, *Pag. 7.* *That the House of Commons baulk'd us in our Subscriptions, and reprimanded the Subjects of England for their foolery?* How is it possible then that they would have suffer'd our buying Ships in the *Thames* for carrying on an *East-India Trade*?

They could not buy Ships in the Thames for an East-India Trade.

We have another proof of his Ingenuity and Truth in that same Page, where he tells us, that if 'our blind Project (meaning that of *Darien*) should miscarry by our own ill Management, it is not fair we should snarl at our Neighbours, who have no other hand in our Misfortune, than that they would not be accessory to any Act which the World might judg Felonious, and wherein they could not join without engaging themselves in an unreasonable War, and in the end to assist us with Weapons to break our own Heads. We wish his Masters much joy of their Advocate and Evidence, for we believe they could not have found such another if they had search'd thro all the Island: He just now own'd that our Neighbours oppos'd our Subscriptions at home and abroad, before they knew any thing of what he calls our *blind Project*, and made us squander away 50000 l. to little purpose, which certainly must be a *Misfortune*, and that wherein our Neighbours had no small hand, tho the World could not judg our taking Subscriptions in that Honourable manner to be any way Felonious. We have moreover sufficiently prov'd it elsewhere, that they have had a hand in our Misfortune by downright Opposition, and unaccountable Proclamations for which they had no Autho-

They squander'd not away their Money in a felonious Act.

rity; we hope that this will be allow'd to be something more than refusing to be necessary to an Act that neither he nor his Suborners will ever be able to prove Felonious, and which we have already told him, the Laws of *England* have in a parallel, nay much worse case, judg'd to be Honest and Righteous:

H—s's
Evidence
against the
Scots,
shews him
a Felon.

So that all this Author hath got by his charging us maliciously with Felony, is to prove himself a wilful Felon, for he tells us at the end of his Book of a long Dispute betwixt himself and Sir J. Stewart his Majesty's Advocate for the Kingdom of *Scotland*, about the Title of the *Spaniards* to *Darien*; and if we may believe H—s, he baffled the Advocate, and prov'd the Right of the *Spaniards*: which proves himself to have engag'd in a Design that he thought Felonious, for we do not find, by his own Relation, that he left the Place from remorse of Conscience, but only on the account of a *Malladie Imaginaire*, and want of Provisions; so that we thank him for telling the World, from his own Mouth, that his Evidence against us is that of a Felon.

The Scots
desir'd not
the English
to engage in
a War on
their Ac-
count.

As to their engaging themselves in an unreasonable War, and assisting us with Weapons to break their own Heads; we did not desire they should engage in a War for us, but think it very unreasonable the *English* Court should have engag'd so far as they have done against us: It had been sufficient for them to have deny'd us their Assistance, without having condemn'd us as guilty of Breach of Alliance, which, as all the other parts of the Opposition made to us, we are satisfy'd is not the Act of the *English* Nation, and therefore can create no Misunderstanding betwixt them and us, but perhaps may prove a Weapon in time to break the Heads of H—s and his Suborners.

The Union
of the two
Crowns
ended not
the Feuds
among the
Scots.

In the 5th Page, that his Book may be all of a piece, he advances a forg'd Obligation upon us, from the Union of the Crowns, which is, That we are thereby deliver'd from the daily Feuds and bloody little Wars that rag'd amongst us for 1900 Years, which unnatural Massacres our native Princes were unable to suppress, &c. This is down-right Falshood in Matter of Fact; for those Feuds, as he calls them, ceas'd in the *Lowlands* long before the Union, but continue still in the *Highlands*, which we can scarcely think is unknown to our Author who was born so near that Country as *Dumbarton*. The *Mackdonalds* have been several times in Arms against the Earl of *Argyle* since the Restoration; and there's a Feud now depending between the *Frazers* and the *Murrays*, or rather the Family of *Athol*. Nor did we ever hear of any thing that look'd so like an unnatural Massacre in *Scotland* as that committed since the Revolution upon the Inhabitants of *Glenco*, which, had it not been for the Union of the Crowns, would not have been suffer'd to go unpunish'd. But admitting it to be true, that the Union had deliver'd us from those little Feuds, we are no Gainers by the Bargain, since it hath occasion'd greater; particularly that unnatural Feud which rag'd so long between the Episcopal Party and Presbyterians, and had its rise altogether from the Union of the Crowns; the very prospect of which was the sole Cause why the Earl of *Morton* (when Regent) set up the first Protestant Bishops in *Scotland*.

The Contro-
versy be-
tween the
Presbyter-
ians and
the Episco-
pals, has
put the
Country in-
to great
Convulsi-
ons.

'Into what Convulsions that Imposition threw the Nation is well enough known; and how besides the bringing down King *Charles* the first with 30000 Men against our Kingdom, and contributing to engage the Nations in a Civil War, it occasion'd King *Charles* the Second to plunder the West of *Scotland*, first by Sir *James Turner*, which gave rise to the Insurrection at *Pentland*, and twice afterwards by the *Highland Host*, which occasion'd that of *Bothwell-Bridg*: And afterwards the Oppression ran so high, that it forc'd some of the Presbyterians into unaccountable Actions, which gave occasion to oppress the whole Party; so that it was made punishable by Death for any of their Ministers to preach, or for the People to hear them. From this indeed, we were totally deliver'd by the Revolution, tho our Freedom in that respect was partly begun by the late King *James's* Declaration. But our Enemies, unwilling that our Nation should be long at ease, have found other Methods to set our Court against us: And because they know that his present Majesty has too great a Soul to persecute any Man on the account of Conscience, our Enemies have chang'd their Battery, and instead of pointing their Cannon at our Religion, they level them against our Civil Liberties. The Ponder they prime their Artillery with, is, That we are Enemies to Prerogative: But because this would not go down with the good People of *England*, who are strenuous Assertors of Liberty and Property, they must gild it over with the specious Pretence, that we have a design to undermine their Trade, and have unjustly invaded the *Spanish* Dominions. This is the Design of H—s and his Suborners;

and

and therefore they insist so much on our Clandestine Declarations, as they call them, that we publish'd in the *English Plantations*, on purpose to drain them of their People; but unhappily overthrow what they advance at the same time, when they tell us, That the *Jamaica Sloops were Witnesses that we had neither Provisions, nor Money for the sustenance of our own People*, pag. 148. And therefore it cannot reasonably be suppos'd we had any such Design as he maliciously charges us with, to draw over the People from the *English Plantations*, since we had not wherewith to support our own; but more of this anon. Our Author learn'd the Maxim of *Calumniare audacter & aliquid barebit*, when he was a Papist: And if he and his Suborners can be any way instrumental to set the Nations together by the Ears by this Method; or if that fail, if they can but raise Animosities between them, they know it will be a good Pretence for some People to put his Majesty upon pressing for a Standing Army, and perhaps for having it enlarg'd; it being necessary, say they, to overaw the *Scots*, but in reality to protect such evil Counsellors from being brought to Justice, that have advis'd to such Measures as visibly tend to the disadvantage of both Nations.

It may perhaps be worth the Enquiry of our Neighbours, whether this be not the real meaning of this intolerable Oppression exercis'd upon our Nation as to their Trade both at home and abroad, viz. that knowing our *præservidum Ingenium*, as they are pleas'd to call it, to be impatient under Tyranny, the Faction think thereby to provoke us to a Resentment that may give occasion for raising an Army against us; which if it have the good hap to subdue us, or force us to digest our Oppression without any more to do, shall be made use of afterwards to chastise themselves, and bring them to better Manners, than to limit their Monarchs in their Grants, and leave them no other Troops but their Garisons and Guards.

What is the End of the Oppression of the Scots Trade.

It was the Observation of the Earl of *Shaftsbury*, whom his Enemies will own to have been a Great Statesman, that *Scotland* is a Door to let in Good or Evil upon *England*; which is verifi'd in the latter, at least by the whole Course of our History since the Union: for when King *James* the First succeeded in trampling upon us, he quickly began to huff his Parliaments in *England*; and notwithstanding all the Remonstrances of Church and State, would needs have a Popish Match for his Son, tho he should sacrifice the Great Sir *Walter Raleigh*, his own Daughter the Queen of *Bohemia*, and her Children, together with the Protestant Interest in *Germany*, to make way for it. When *Charles* the First obtain'd footing for his Impositions on the Church and State of *Scotland*, it's well enough known what Methods he took with *England*, and how he sacrific'd the Protestant Interest in *France*, whilst he eagerly pursu'd an Arbitrary Sway at home. When *Charles* the Second got his Prerogative exalted, and an Army at his Call allow'd him in *Scotland*, it's too late to be forgotten how he trod under-foot the Liberties of *England*, seiz'd the Charters of their Cities, cut off whom he would by Sham-Plots, and pav'd the way for Popery and Arbitrary Power. When King *James* the Second did by his absolute Power and unaccountable Authority cass and annul all the Laws establishing the Reformation in *Scotland*; it was not long e'er he suspended the Laws, imprison'd the Bishops, and fill'd with Papists his Council, Army, and Universities in *England*. From all which it is evident that our Neighbours have reason to look to themselves when we are oppress'd; for in all probability their Acts of Parliament will not be long regarded, when ours are annul'd and made void by the Intrigues of the Courtiers, and *West-India* Proclamations. The very Advocates of Tyranny make use of this as their *Herculean* Argument, That the People having once resign'd their Privileges to the Crown, have no more Right to demand them; which tho we will not allow to be any ways concluding, yet we may very well make use of it *ad hominem*, that a *pavi ratione*, when once a Prince has touch'd with his Scepter a Law for the Benefit of his Subjects, it is not in his Power to revoke or counteract it; or if he do, by the same Power that he absolves himself from his Obligation to protect and defend his Subjects, he absolves them from all obligation to pay him any Revenue or Allegiance. This is the Birthright of all *free-men*; and if our Neighbours in *England* have a mind to sit still, and see us suffer of it, all the Benefit they can expect from it, is to have the Privilege of being deliver'd.

The Earl of Shaftsbury's Observation about Scotland.

The rest of his Banter upon his Native Country, serves only to lessen his own credit, and to make even those that set him at work, curse him in thought, not only as a Monster in nature, but as dishonest to them, by depriving them thus of the

How the Libeller contradicts himself.

the Benefit of his Evidence, for which they have paid him so well; since no body in the World can think a Man will have any regard to Truth, that in such an impudent manner breaks thro' all the Ties of Nature; and as a just Judgment for so enormous a Crime, is so far depriv'd of his reasoning Faculty, that he is not sensible of his cutting his own Throat, by contradicting himself almost in every Paragraph. He upbraids us in one Page with not having dar'd to descend into the Plains, and that those gallant Men our Ancestors durst not assemble for Worship before the Union, except in a House whose Wall was twelve or fourteen foot thick, or to whisper their Prayers or Carrols thro' the Cliffs of the Mountains. In the next Page he tells us he has no Inclination to offer any thing in opposition to the Gallantry of our Ancestors; and in some Pages following he impertinently ridicules the Valour of our Country in the Story of *Baliol*, which he perverts in such a manner, as no Man but himself is capable of.

Scots noted by the English Historians for their Valour and Courage.

We don't think it worth while to answer him according to his Folly, but shall once for all let him know, that the most invective of the *English* Historians, that wrote in the heat of the War, does more Justice than this unnatural Renegado. There's no Nation in *Europe*, where we have not given Proofs of our Valour, nor is there a Court in *Christendom* where *Scots* men are not valu'd on that account.

Sam. Daniel, one of the best of the *English* Historians, owns, that never any People of the World did more gallantly defend their Liberties than we did in that very Instance of *Baliol*, when we were without a Head; and from thence infers, what was it we could not have done, had we been then under the Conduct of such a Leader as King *Robert Bruce*. *Speed*, one of the gravest of the *English* Historians, does generously own, that few great Actions have been perform'd in *Europe*, where the *Scots* have not been with the first and last in the Field.

We could easily give a proper Reply to the impertinent Romance which he brings about *Baliol*, that would tend as much or more to the Dishonour of *Edward I. II. and III.* than any thing that he and his Suborners have suggested can tend to the Dishonour of our Nation; but we forbear it, having no design to reflect upon our Neighbours, notwithstanding the rude Treatment and Provocation that we have had from *H——s* and others on this occasion. We can, without thinking our selves injur'd, own that the *English* are as brave Men as any in the World; and are satisfy'd, that such of our Neighbours as are Men of Honour and Reading, will allow us the same Character. We perceive it is the Design of this Libeller and others to represent the *English* Nation as Enemies to us in this matter, on purpose to set us together by the Ears; but we are satisfy'd of the contrary, as well knowing that not a few of our good Neighbours are much surpriz'd and displeas'd with our Treatment, and look upon the same to be the effect of such Councils as are destructive to the Interest of both Nations.

The Scots expel'd *Baliol* from the Crown, and why.

We shall conclude this point with one Observation more upon *H——s*'s Ignorance and Malice, in denying that the *Scots* expel'd *Baliol* from the Crown, when such a noble Monument of the Truth of it, as the original Letter of the States of *Scotland*, is still to be seen in the University of *Oxford*, and exemplify'd by *Dr. Burnet*, now Bishop of *Sarum*, in his *History of the Reformation*; and since it is also plain that our Ancestors chose *Robert Bruce* King during *Baliol*'s Life-time, and that *Baliol* at last resign'd all his Pretensions, confess'd his Fault in subjecting the Crown of *Scotland* to that of *England*, own'd that he was deservedly thrust from the Throne for it, congratulated his Kinsman *Robert Bruce*'s Advancement, and that he had restor'd the Crown of *Scotland* to its antient Honour.

The Libeller falsely charges the Presbyterians of Scotland.

We take no notice of his profane and atheistical Banter upon the Religion of our Country, as being satisfy'd that will do his Cause no good amongst thinking Men, tho' it may please those that he is only fit to converse with. As for his malicious Charge on Presbyterians, that they maintain it as their Principle, That Dominion is founded on Grace, it's of a piece with the rest of his Evidence. He and his Suborners will be very hard put to it to quote one of their Authors to prove the Assertion, and therefore they may well reject it as a Slander: but we must tell him that if this be the Principle of the Presbyterians, they have not well answer'd it by their Practice; for whenever they had any such thing as Dominion at their Disposal, they seldom had the good hap to confer it upon those that had Grace enough to answer the Ends of it. We forbear Instances, because it's too well known both in *France* and *Great Britain*.

We come next to examine his Charge upon our Colony on purpose to render them odious to the *English* Nation, and all the World, and shall transcribe it verbatim

latim, that the reason of our Observations upon it may be the more obvious. His Words are these.

‘ If your Colony has left *Darien* for Reasons not as yet publick to the World, ’tis your Fault, Right Worshipful Gentlemen, in undertaking to manage a Project you so little understood, and not of the *English* Nation, whose Interest it is to advance and preserve their own Colonies, and to keep them from being rendred desolate by the clandestine Artifices of yours, who industriously and tacitely spread their Declarations over all the *English* Islands and Plantations, making use of the King of *Great Britain*’s Name, to give more Authority to the thing: And by those indirect Manifestos, such Profits, or rather Plunders, were insinuated, that if the Government of *England* had not taken early measures to prevent the ill Consequences, it’s to be question’d whether the greatest part of the *English West Indies* had not e’er now quitted their Settlements, and been decoy’d into your Colony, under a cover’d Notion, that you had a Patent from the King to pick a quarrel with the *Spaniard*, and to divide the Spoil of *Mexico* and *Peru* amongst the Servants and Adventurers of the Company.

His Charge on the Scots Colony.

This indeed is something to the purpose, and might deserve the Suborners Money, were there no possibility of proving it false; but we shall see anon what ground there is for this bold Accusation, after observing,

That perhaps some Gentlemen at the West end of the Town may find at long run that their Evidence has blab’d out so mething more in this Paragraph than it’s for their Interest the World should know. We will only ask Mr. *H—s* some civil Questions: What are those Reasons not as yet publick to the World, for which our Colony left *Darien*? Sir *William Beefton*’s Letter acquainted us that it was for want of Provisions, and for fear of the great Preparations by the *Spaniards*. The Letters we have had since from *New-York* say, that it was for want of Provisions, and because they were brought to their wits end, and did not know what to think of their Case by reason of the *English* Proclamations. Then since the very first of these, and much more all of them together, were reason sufficient, and are publick to the World, What other private Reasons can Mr. *H—s* give us for it? We know he boasts of his Interest in those that are concern’d in the Secrets of the West end of the Town: Did they tell him then that the Government of *England* took early Measures to prevent the ill Consequences of our Colony? If they did so, pray what were those Measures? Was the sending of Captain *Long* thither to debauch our Men, traduce us to the *Indians* as Pirates, and to tell them his Majesty of *Great Britain* would not protect us, one of those early Measures? Was not their soliciting a foreign Minister to present a Memorial against our Colony as soon as ever the News of it arriv’d, another? And was not this the reason why they put it upon that Minister, and not upon the *Spanish* Ambassador, that the latter had been forbid coming to Court, because his Catholick Majesty would not admit of *Schonenburg* the Jew as Envoy from the *Dutch*? Were not the Enemies of the Scots Company so zealous in promoting that Memorial, that they could not have patience till Orders came from *Madrid*, but put the Envoy upon it of themselves? And when a Controversy happen’d about receiving it sign’d or unsign’d, because of the Difference betwixt the two Courts, did not our Enemies agree to it as an Expedient, that one of both sorts should be presented? Was not this abominable rising upon a point of Honour, when they were plotting to bereave the Kingdom of *Scotland* of their Honour, Men, Money and Colony all at once? Were not these more clandestine and indirect Artifices to destroy our Colony, than any he charges upon us to destroy the *English* Colonies?

The Reason of the Scots Colony leaving Darien.

Having ask’d Mr. *H—s* more Questions than he and his Suborners dare positively answer, we come next to deny his Charge upon our Colony, as being malicious and absolutely false; for which their own Declaration shall be our Evidence, and is as follows.

CALEDONIA

The Declaration of the Council constituted by the Indian and African Company of Scotland, for the Government and Direction of their Colonies and Settlements in the Indies.

The Declaration of the Council of the Indian and African Company of Scotland.

THE said Company, pursuant to the Powers and Immunities granted unto them by his Majesty of Great Britain, our Sovereign Lord, with Advice and Consent of his Parliament of Scotland, having granted and conceded unto us and our Successors in the Government for all times hereafter, full Power to equip, set out, freight and navigate our own, or hired Ships, in warlike or other manner, from any Ports or Places in Amity, or not in Hostility with his Majesty, to any Lands, Islands, Countries or Places in Asia, Africa, or America; and there to plant Colonies, build Cities, Towns or Forts, in or upon the Places not inhabited, or in or upon any other Place, by Consent of the Natives or Inhabitants thereof, and not possess by any European Sovereign, Potentate, Prince or State; and to provide and furnish the aforesaid Places, Cities, Towns or Forts with Magazines, Ordnance, Arms, Weapons, Ammunition and Stores of War, and by force of Arms to defend the same Trade, Navigation, Colonies, Cities, Towns, Forts, Plantations, and other Effects whatsoever; and likewise to make Reprizals, and to seek and take reparation of Damage done by Sea or by Land; and to make and conclude Treaties of Peace and Commerce with Sovereign Princes, Estates, Rulers, Governors or Proprietors of the aforesaid Lands, Islands, Countries, or Places in Asia, Africa or America.

And reserving to themselves Five per Cent. or one twentieth part of the Lands, Mines, Minerals, Stones of Value, precious Woods and Fishings, have further conceded and granted unto us the free and absolute Right and Property in and to all such Lands, Islands, Colonies, Towns, Forts and Plantations, as we shall come to, establish, or possess, in manner aforesaid; as also to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals and Fishings, with the whole Product and Benefit thereof, as well under as above the Ground, as well in Rivers and Seas as in the Lands thereunto belonging; or for or by reason of the same in any sort, together with the right of Government and Admiralty thereof; as likewise that all manner of Persons who shall settle to inhabit, or be born in any such Plantations, Colonies, Cities, Towns, Factories, or Places, shall be, and be reputed as Natives of the Kingdom of Scotland. And generally the said Company have communicated unto us a Right to all the Powers, Properties and Privileges granted unto them by Act of Parliament, or otherwise howsoever; with Power to grant and delegate the same, and to permit and allow such sort of Trade, Commerce and Navigation unto the Plantations, Colonies, Cities, and Places of our Possession, as we shall think fit and convenient.

And the chief Captains and supreme Leaders of the People of Darien, in compliance with former Agreements, having now in most kind and obliging manner receiv'd us into their Friendship and Country, with Promise and Contract to assist and join in Defence thereof against such as shall be their or our Enemies in any time to come: Which, besides its being one of the most healthful, rich and fruitful Countries upon Earth, hath the advantage of being a narrow Isthmus, seated in the height of the World, between two vast Oceans, which renders it more convenient than any other for being the common Storehouse of the insearchable and immense Treasures of the spacious South Seas, the Door of Commerce to China and Japan, and the Emporium and Staple for the Trade of both Indies.

And now by virtue of the before-mention'd Powers to us given, we do here settle, and in the Name of God establish our selves; and in Honour and for the Memory of that most antient and renown'd Name of our Mother Kingdom, we do, and will from henceforward, call this Country by the name of Caledonia; and our selves, Successors and Associates, by the name of Caledonians.

And futable to the Weight and Greatness of the Trust repos'd, and the valuable Opportunity now in our hands, being firmly resolv'd to communicate and dispose thereof in the most just and equal manner, for increasing the Dominions and Subjects of the King our Sovereign Lord, the Honour and Wealth of our Country,

as well as the Benefit and Advantage of those who now are, or may hereafter be concern'd with us: We do hereby declare, That all manner of People soever, shall from henceforward be equally free and alike capable of the said Properties, Privileges, Protections, Immunities, and Rights of Government granted unto us; and the Merchants and Merchants Ships of all Nations, may freely come to and trade with us, without being liable in their Persons, Goods, or Effects, to any manner of Capture, Confiscation, Seizure, Forfeiture, Attachment, Arrest, Restraint or Prohibition, for or by reason of any Embargo, Breach of the Peace, Letters of Mark, or Reprizals, Declaration of War with any Foreign Prince, Potentate or State, or upon any other Account or Pretence whatsoever.

And we do hereby not only grant and concede, and declare a general and equal Freedom of Government and Trade to those of all Nations, who shall hereafter be of, or concern'd with us; but also a full and free Liberty of Conscience in matter of Religion, so as the same be not understood to allow, connive at or indulge the blaspheming of God's Holy Name, or any of his Divine Attributes, or of the unhallowing or profaning the Sabbath Day.

And finally, as the best and surest means to render any Government successful, durable and happy, it shall (by the help of Almighty God) be ever our constant and chiefest Care that all our further Constitutions, Laws and Ordinances, be consonant and agreeable to the Holy Scripture, right Reason, and the Examples of the wisest and justest Nations, that from the Truth and Righteousness thereof we may reasonably hope for and expect the Blessings of Prosperity and Increase.

New-Edinburgh,
Dec. 28. 1698.

By Order of the Council,

Hugh Ross, Secretary.

We dare refer it to the Scrutiny of the nicest Observers, whether this Declaration infer any such thing as Plunder, or a Patent from the King to pick a Quarrel with the Spaniards, and to divide the Spoil of Mexico and Peru: What clandestine Artifices are here to be found to drain the English Plantations, and where does it interfere with the Interest of England, any more than all free Ports must of necessity interfere with their Neighbours? We wish that our Author would inform us how publick Declarations according to Act of Parliament can be call'd clandestine Artifices, and defy him and his Suborners, with all their Art, to find any thing pretended to in this Declaration, but what the Colony has a right to by Act of Parliament.

Which infers nothing of Plunder from the Spaniards, &c.

The only thing this malicious Scribler can wrest to his Purpose in the Declaration, is the Colony's publishing that all manner of Persons, of what Nation or people soever, &c. should be equally free, and alike capable of the same Privileges with themselves, &c. which are the express Words of the Act of Parliament; and therefore supposing that the said Declaration should have influenc'd some People to come over to them from the English Plantations, the Colony could not be any ways blam'd for it: *Qui utitur jure suo nil damni facit*, is a known Maxim of Law.

The Libeller's Malice is not satisfy'd with reflecting upon our Colony, but flies to the face of the greatest part of the English in the West-Indies, as if they had so little Honour or Love for their Native Country, as to lay their own Plantations waste, and run over to ours. Indeed if most of them be such Persons as himself, there might be some ground for the Reflection; but till it appears to be so, we must beg Mr. H——s leave to have a better Opinion of them. No Man of sense can believe that those who found themselves at ease in the English Plantations, would be fond of removing to a new Colony; but if others who are at their Freedom had a mind to do so, we know of no reason why they should be hinder'd. The Subjects of England are a free People, and not confin'd to their own Dominions, but have liberty to trade and live elsewhere, if they find their account in it.

There's no Man can blame the Scots for publishing their Declaration throughout the West-Indies, the thing being absolutely necessary in it self, and the natural Price of all new Settlements to acquaint the World with the nature of their Design, and on what Terms they may have Commerce with them. We hope our Author and his Suborners will not say that the Subjects of England might not have

The necessity of publishing the same in the W. Indies.

traded with them for their own Advantage, provided their Title had been unexceptionable : and seeing the *Scots* had reason to think it so, it was no act of Unkindness in them to let the *English* Plantations know that they should be very welcome to trade in *Darien* ; and how this could be done so properly, and with so much effect as by Declaration, our Author would do well to acquaint us.

Why it makes use of the K's Name to give it Authority.

The Gentleman and his Friends are very angry that we should have made use of the King of Great Britain's Name to give the more Authority to the thing. We would very fain know their Reasons, why it is not as lawful for the *Scots* to make use of that Name as the *English* ; and at the same time must take leave to tell the Renegado and his *Whiteball* Friends, that all this Venom they have spit at the *Scots* Colony is a virulent Invektive against his Majesty. He empower'd them to do what they accuse them for by Act of Parliament ; and because our Antagonists have a mind to say that this *Offroy*, as they call it, was destructive to the Trade of *England*, they find themselves oblig'd to make an Excuse for the King, viz. That the honest Gentleman meant no harm at the granting of it ; for it is to be believ'd, that he could scarce hear what was whisper'd for the noise of the *Namur* Guns ; which is in plain English, he gave his Consent to he knew not what. A noble Defence, for which his Majesty is oblig'd to them ! But Banter and Blasphemy they were fully resolv'd on ; and so they had but a Subject, they car'd not what. Nor *Adam*, nor *David*, nay nor the Almighty himself shall escape them ; but his Commission to the *Hebrews* when they departed out of *Egypt*, must come in to make up the profane Jest : thus Heaven it self shall be charg'd at last with founding Dominion upon Grace, and giving the Elect a Divine Right to the Goods of the Wicked, after its being first thrown as a killing Reflection at the Heads of the poor Presbyterians.

The Design was known in England before the Scots Arriv'd there.

H—s will needs insist upon it in his Dedication, that our Project on *Darien* was so secretly carry'd on, that it was not known to *England* till the same Wind that brought the News likewise inform'd the Nation that the *Scots* were march'd over to *Panama*, and had planted 80 Guns against it ; but unhappily forgets himself, and tells us pag. 7. of his Book, that *Paterfon* communicated it to some select Heads in *England* that were able to bear it. And we can tell him further, that it was so well known to some in *England*, that they sent Captain *Long* the Quaker on purpose to prevent us, and to do us all the Mischief he could ; and accordingly he was on that Coast a Month before us, tho he did not land any Men till afterwards. As for the News of the *Scots* having planted 80 Cannon against *Panama*, it's the first time we ever heard on't, and therefore must charge it upon the Author amongst the rest of his Forgeries. There was indeed a Report brought over by the *Dutch* Gazettes, which we suppose was inserted on purpose by our good Friends in *Holland* to render us odious, that we had plunder'd *Panama* ; but that was a long time after the News of our Arrival at *Darien*, and fram'd on purpose, as we have reason to believe, to justify the Proclamations that some Gentlemen at the West end of the Town had sent to the *West Indies* against us ; for we know they can have what they please put in the *Dutch* Gazettes, and that perhaps may be one main reason why they have been altogether silent as to the matter in their own. But that which sufficiently discovers the Falshood of this malicious Insinuation, as if we had a Design to attack *Panama*, or any other place belonging to the *Spaniards*, is, Mr. *Paterfon*'s Letter to his Friend at *Boston* in *New-England* (and sent us thence in print) dated at *Fort St. Andrew* in *Caledonia*, February 18. 1693. above fifteen Weeks after the Arrival of our Colony ; wherein he acquaints that Gentleman, That they had written to the President of *Panama*, giving him an account of our good and peaceable Intentions, and to procure a good Understanding and Correspondence.

The Letter it self is as follows.

An Abstract of a Letter from a Person of Eminence and Worth in *Caledonia* to a Friend at *Boston* in *New-England*.

Mr. Paterfon's Letter to a Friend in New-England.

I Have receiv'd your kind Letter of the 26th of December last, and communicated it to the Gentlemen of the Council here, to whom your kind Sentiments and Readiness were very acceptable.

Certainly the Work here begun is the most ripen'd, digested, and the best founded, as to Privileges, Place, Time, and other like Advantages, that was ever yet begun in any part of the trading World. We arriv'd upon this Coast

the

the First, and took possession the Third of November: Our Situation is about two Leagues to the Southward of *Golden-Island* (by the *Spaniards* call'd *Guarda*) in one of the best and most defensible Harbours perhaps in the World. The Country is healthful to a wonder, insomuch that our own Sick, which were many when we arriv'd, are now generally cur'd. The Country is exceeding fertile, and the Weather temperate: The Country where we are settled is dry and rising Ground, Hills, but not high; and on the sides, and quite to the tops, three, four or five Foot good fat Mold, not a Rock or Stone to be seen. We have but eight or nine Leagues to a River, where Boats may go into the South Sea. The Natives for fifty Leagues on either side are in intire Friendship and Correspondence with us; and if we will be at the Pains, we can gain those at the greatest distance. For our Neighbour *Indians* are willing to be the joyful Messengers of our Settlement, and good Disposition to their Countrymen. As to the innate Riches of the Country, upon the first Information, I always believ'd it to be very great; but now find it goes beyond all that ever I thought, or conceited in that Matter.

The *Spaniards*, as we can understand, are very much surpriz'd and alarm'd, and the more that it comes as a Thunder-clap upon them, having had no notice of us, until three days after our Arrival. We have written to the President of *Panama*, giving him account of our good and peaceable Intentions, and to procure a good Understanding and Correspondence; and if that is not condescended to, we are ready for what else he pleases. If Merchants should once erect Factories here, this Place will soon become the best and surest Mart in all *America*, both for Inland and Overland Trade. We want here Sloops and Coasting Vessels; for want of which, and by reason we have all hands at work in fortifying and fitting our selves (which is now pretty well over) we have had but little Trade as yet, most of our Goods unfold. We are here a thousand one hundred Men, and expect Supplies every day. We have been exceeding unhappy in losing two Ministers who came with us from *Scotland*; and if *New-England* could supply us in that, it would be a great and lasting Obligation.

Fort St. Andrew, Feb. 18. 1693.

A farther proof of the Falshood of this Insinuation is Captain *Pennicook's* Journal sent to the Company over *England*, and dated *Decemb. 28.* almost two Months before this Letter to *New-England*, wherein they give an account of the Information they had from several hands, that the *Spaniards* were marching with 900 Men from *Panama* to attack them by Land, whilst their Men of War were to attack them by Sea; upon which they did all they could to put themselves in a Posture of Defence against them, so far were they from any Design of marching towards *Panama*.

The Spaniards about Panama design'd to attack the Scots Colony.

The Matter being so, *H—s's* Suborners have lost their Argument from this Topick also, to justify their Proceedings against us.

He goes on to tell us, That *England* had no reason to go to War with the *Spaniards* on the score of our Company, who, besides all the Loss of their Trade, must throw away more English Pounds (thrice over) than there's Scotch in our Capital Stock; and he will leave it to any Man of half an ounce of Politicks to find out the Jest on't, save this Head-headed Author of our Colony's Defence.

Mr. *H—s* and his Suborners may please to know, that we neither desir'd nor expected that *England* should go to War with the *Spaniards* on the account of our Company; and had as little reason to expect that a Faction in *England* (for we will not be so unjust as to charge it upon the Nation) should go to War with us on account of the *Spaniards*, before we could be heard in our own Defence: we mean that Proclamations should have been publish'd in the *West Indies*, inferring that the King of *England* has a power to declare that to be a Breach of the Peace that is done by the Authority of the King of *Scotland*; that they should thereby forbid their Subjects of *England* to entertain any Commerce with us, refuse us Provisions or Commodities in our Distress, except we will bring our Ships under the Guns of their Fort at *New-York*; punish their Subjects for entertaining Commerce with us, and threaten to lay the Commanders of our Ships in Irons if they offer to put in for Refreshment, or to refit after a Storm, as they did to Captain *Jamison* at *Nevis*. That this wants very little of going to War with the *Scots*, we believe most thinking Men are very well satisfy'd; but whether it be so or not, we will

The Scots expelled not that England should war with the Spaniards on their account.

will venture to tell the Renegado and his Suborners, that by this kind of Procedure against the *Scots*, as if we were Servants and Subjects to *England*, some Gentlemen in and about *Whitehall* have given the *Spaniards* just occasion to make War upon *England* if they were able, or at least to make Reprisals upon the *English* for the damage they pretend to have suffer'd from the *Scots*, whom the *English* Court by this sort of Treatment have declar'd to be their Subjects; whereas if they had not invaded the Sovereignty of *Scotland*, the *Spaniards* could have had no such pretence. Now whether Men that had been endow'd with a quarter of an ounce of Politicks would have been guilty of such a false step as this, let our Author's Suborners determine. And besides, we must tell them, that the Men whom Captain *Long* had set ashore with Captain *Diego* in the Gulph of *Darien*, committed the first Hostility on the *Spaniards*, and kill'd seven of them, with a design, for any thing we know, to trapan us into a War with the *Spaniards*; since one of the same Fellows came to our Colony afterwards for Powder and Shot, which our Men wisely deny'd them, and told them they had done what they could not justify.

The Author of the *Defence of the Scots Settlement* does no where advise the *English* to a War with *Spain* on the score of our Company; but gives such Arguments to prove that they had no reason to dread the Effects if *Spain* should make War with them on that Account, and that it was the Interest of *England* to have supported the *Scots* in that Settlement, as have not yet been answer'd: and therefore we shall say nothing farther of it here.

Our Author and his Friends are pleas'd to call our Apprehensions of the Place's being possess'd by the *French* bugbear Stories, because the *French* have another Game to play at present with *Spain*, or might have secur'd *Carthageria* when they had it in their Power; and that if *France* or *Holland* had any such Design, they may go sit down within a League of either side of our Colony with as good a Title as ours.

The *French* had a Design on the *Spaniards* Plate more than their Colonies.

But that the *French* are generally wiser than to lay out their Money upon such Tools as this Author appears to be by his way of arguing, one would be apt to think he had touch'd some *Leuidor's*. Does he conceive that the *French* understood their Interest so little during the War that threaten'd their Ruin, as to settle a Colony in the *West Indies*, at a time when they stood in more need of them at home to defend their own Country, and cultivate their Ground and Vineyards? Is it not known that their Design was on the *Spanish* Plate, in order to inable them to continue the War, and not on the *Spanish* Plantations, which they were in no capacity to defend against the *Spaniards* and their Allies, if they had at that time seiz'd any of them? Does our Author and his Suborners think that *Lewis XIV.* did not understand his Interest better than to offer at a Settlement in the *Spanish West-Indies*, especially at a place of such Importance as *Carthageria*, and thereby have given the *English* and *Dutch* an Opportunity of settling there themselves by coming to drive him out? Could he think that the two Nations of *Europe* that have the greatest Naval Force, and were most concern'd of any to reduce him to reason, would sit still and suffer him to seize the *Spanish* Treasures, and by that means inable himself to bring all *Europe* under his Yoke? It is impossible such a Thought could ever enter into his Mind; and therefore he had very good reason to forbear keeping possession of *Carthageria*, since 'twould have been the ready way to have spoil'd his future Pretensions to the *West-Indies* in case of the King of *Spain's* Death, which every body then expected daily. And whenever it happens, if he die without Issue, as there's great odds he will, we stand in need of better Guarantees than *H—* and his Suborners, that the *French* King will not seize the *Spanish West-Indies* and *Darien* into boot; against which there are those who have studied Politicks as much as our Author, who are of Opinion that the Settlement of *Darien* might have been no contemptible Barrier.

The Crown of *Scotland* has been blemish'd sometimes by those that wore it.

The Scribler takes upon him to pass his word for his Majesty, that the *Scots* Crown will receive no Blemish or Disreputation by his wearing it. We believe his Majesty will scarcely thank him for his Security, and we are satisfy'd our Nation will as little rely on it. But at the same time we must tell this Gentleman, and his Suborners, that we had as little reason to suspect that King *Charles I.* who was a Native of *Scotland*, would have dishonour'd our Crown so far as to order it to be brought to *England*; and therefore it is not impossible for Princes to be over-persuaded by ill Counsel, to do such things as are inconsistent with the Honour of their Crowns. And thus some will venture to say, that the Crown of *Scotland* was no ways honour'd, when the *Dutch* Troops took place of the King of *Scots's* Guards; and when the King of *England* takes upon him to condemn by Proclamations

clamations what the King of Scotland has approv'd by Act of Parliament and Letters Patent.

The Scribler comes next to give us a taste of his Skill in the *British* History he brags of so much, by telling us the Fate of some great *Scots* Families that swell'd beyond their Proportion. His Instances of the *Cummins* and *Gouries* sufficiently discover his Ignorance of the *Scottish* History. The former was indeed a very great Family, but are an inauspicious Instance for him and those of his Kidney; their Ruin not being occasion'd by their Greatness, but by joining with the Enemies of our Nation, as this Renegado does.

The Libeller's Ignorance in the Scotch Histories.

As for his Application of his Instances, it serves to discover the malicious Designs of himself and Suborners against the two greatest Families that are now left in Scotland. The kind Treatment this Author met with from one of these great Men upon his Arrival, after having deserted our Colony, would have oblig'd any but a Monster of Ingratitude to have forborn such a causeless and invenom'd Reflection, which nothing but ingrain'd Malice can suggest.

We come in the next place to take a view of the Book it self. In the very first Page he owns he is no Friend to the Scots Company, and alledges he has more reason for it than those Skeletons that are starv'd to Death. This we hope is sufficient to shew what Credit is to be given to his Narrative, wherein tho he promises to keep close to matter of Fact, he abounds with blasphemous and impertinent Digressions: One of the first we shall take notice of, is his unmannerly Reflection on the City of London, pag. 3. as a place where Matter is never wanting to exercise plodding Heads. Which is so near akin to the Language of the Faction that in the late Reigns aim'd at the destruction of that noble Emporium, which deserves to be the Mistress of the Universe, that we cannot in the least doubt but it proceeds from the same Spirit. Of the same nature is his Reflection, pag. 7. upon the London Subscribers, who came in so fast to the Scots Company, that he thought himself the happiest Man that could get his Name first down in our Books: Which is a plain Demonstration that those eager Subscribers thought the Design no way prejudicial to the Interest of their Country; for upon Enquiry it will be found, that most of them were such as had zealously appear'd for its Liberty in former Reigns.

His Reflections on the City of London.

His malicious Reflection in that same Page, as if the Company had promis'd 20000 l. to Paterfon, Smith and Lodg, to ingage Subscriptions in England and the Hans Towns, is notoriously false: they had not one Farthing promis'd them, tho to be sure the Company would have rewarded them for their Pains and Service, as it was reasonable they should; besides, it appears by the eagerness of the English and Hamburgers to subscribe, until they were prevented by their respective Governments, that there was no occasion for such a Bribe to bring in Subscriptions.

He falsely charges the Scots with giving 20000 l. to gain Subscriptions.

His Reflection, pag. 8. of our printing the Address of the Commons of Edinburgh, but not the King's Answer; admitting it to be true, is so far from being criminal, that it rather argues the greatest Respect imaginable for his Majesty, whom we would not lessen in the Esteem of the People of Scotland, who knew they had a natural Right to claim and expect his Protection. His owning in that same Page, that the Company's Books had not been long open'd in Edinburgh till 20000 l. was sign'd, and that all sorts of People (whom he is pleas'd to express under the scurrilous denomination of Poor, Blind and Lame) crowd'd in with their Subscriptions, serves to confute his foregoing and following Reflections, That the Company was oblig'd to promise 20000 l. to procure Subscriptions, and to go where they lay, viz. to Holland and the Hans Towns; especially since he owns himself, pag. 10, 19. That they were balk'd of their Subscriptions in England and Holland, and that not one Groat of the Hamburgers Money.

Printing the Common's Address without the K's Answer, shows Respect to him.

His Reflection upon Mr. Paterfon, pag. 8. whom he blasphemously calls the Man Christ, alluding to the Apostles calling our Saviour the Man Christ, is altogether false: he always propos'd the paying half the Subscriptions, and most of the Subscribers were resolv'd to pay the whole; as it appears they have already a considerable part of it, by their having sent away three Convoys, and being busy in preparing a Fourth. His irreligious and atheistical Temper appears further by his reflecting upon their expecting good Returns, by the old Cant of God's Blessing; as if it were possible to look for Success in any thing without the Divine Benediction, or ridiculous to express our Dependency on it. But it seems his Suborners are resolv'd that our Nation shall be huff'd, banter'd and blasphem'd out of all their Rights as Men and Christians.

The Libeller's Reflection on Mr. Paterfon false and groundless.

Why the
Scots built
Ships in
Holland,
&c.

His next Reflection, P. 9. of our sending Persons to build six Ships of fifty Guns apiece at *Amsterdam* and *Hamburgh*, to prepossess the *Dutch-men* with a kind Opinion of the Company, and thereby make it appear how willing we were to extend the warm Rays of our *Odour* to People who deserv'd it better than our ungrateful Neighbours, is malicious to the highest degree. He and his Suborners very well know, that we could neither build nor buy in *England*, because of the Opposition made to us there; and since 'tis known that they can build cheaper in *Hamburgh* and *Holland* than in *England*, our offering first to lay out our Money with our Neighbours, and not going beyond Sea till we were compell'd to it, is a proof from his own Mouth, that we had no other but friendly Intentions towards the *English Nation*.

His insinuation of the Difference betwixt the Kirk and Church-Parties, about each of them employing their own Instruments, shews more Malice than Wisdom; since admitting People of different Persuasions into Companies is practis'd in all trading parts of the World, and particularly in *England*, where the Dissenters have no small Share in all their Funds and Companies. But by this they may see what fair Treatment they are to expect, if *H——s* and his Suborners could get their Wills. The old Popish Maxim would soon be brought into practice, that no Man should have leave to buy or sell, but he who is of the Publick Religion.

His next Story of our Debate about entrusting any Man that was fed on *English* Beef and Pudding, with 20000 *l.* for the use of our Delegates abroad, is equally scurrilous and false. We trusted no Man but Mr. *Paterfon* with that Money, and did not think it fit that every Subscriber, but only a special Committee should know how that Money was to be employ'd. Nor can this be charg'd upon us as a piece of foolish Confidence in Mr. *Paterfon*, whom the Scribler owns *Pag. 4.* to have been intrusted with laying the Foundation of the Bank of *England*, tho' ill rewarded for it. His malicious Calumny, that Mr. *Paterfon* did afterwards form the *Darien* Project to be reveng'd on the *English Nation*, is sufficiently falsify'd by his and our first Offers to take in the *English* as joint Subscribers, after the said Project was actually form'd, and imparted to some select Heads, as he himself owns *Pag. 7.*

The Libeller
a Cheat to
the Compa-
ny.

As to *Smith's* cheating us of 8500 *l.* it was our Misfortune, not our Crime, as is manifest from our Diligence in recovering 4500 *l.* of it. This Renegado's saying, *P. 11.* that *Smith* deservedly bubbled us, argues himself to be as great a Cheat as *Smith*; and there's little reason to doubt, but he defrauded the Company as far as opportunity would allow him, when intrusted as Purser of their Stores from *Hamburgh*, and elsewhere: which he seems to own himself, when he boasts of his bringing home as much Gold-dust from *Darien*, as any of the Counsellors, *P. 149.*

His Assertion, *P. 14.* that Capt. *Gibson* was cheated of the 2 per Cent. Commission Money, is a shameless Falshood; the Captain was satisfy'd, and rewarded to his own content.

The next proof we have of the Ingenuity of this Renegado and his Suborners, is *P. 15.* where he tells us that *Paterfon* being in Drink, babled out a Secret of the Company at *Camphire*, viz. 'That their Act empower'd them to give Commissions to any kind of People (without asking their Nation) to trade to the *Indies* under Scots Colours; and that such People might dispose of their *Indian Goods* where they pleas'd, provided they made a sham Entry in *Scotland*. To say that this was a Secret of the Company, and in the same Breath to inform the World that Mr. *Paterfon* said, they were empower'd to do so by their Act, which was every where publick and in print, is like the rest of the Libeller's Inconsistencies. But his Suborners and he were so far transported with Malice, that they resolv'd to dress our Act of Parliament throughout in the disguise of a Cheat, and charge it upon the Company as secret Intrigues, without ever considering that the Act it self would discover their Falshood and Malice. The Clause of the Act is as follows: 'And that the said Company may, by virtue hereof, grant and delegate such Rights, Properties, Powers and Immunities, and permit and allow such sort of Trade, Commerce, and Navigation into their Plantations, Colonies, Cities, Towns, or Places of their Possession, as the said Company shall from time to time judg fit and convenient.

The Dutch
could not be
impos'd on
by Mr. Pa-
terfon.

These being the very words of the Act, the *Dutch* could not be impos'd upon in that manner by Mr. *Paterfon*, if he had been so minded; or had he been drunk. as the Libeller says, when he told the Story, they must have been very weak Men, that would offer to sign upon the words of a drunken Man, without seeing the Act

it self. It is not to be doubted but this Clause impowers the Company to allow such a Trade as *H—s* mentions; and therefore it might be proper enough for Mr. *Paterfon* to urge it as an Argument to engage Subscribers: but that he could do it in these Terms that *H—s* here sets down, there's no ground to believe; and therefore his Answer to those that would not sign but on that bottom, *that the Company had no occasion to make use of that Power at present*, was very proper. The Story of the sham Entry in Scotland, paying 3 per Cent. to the Company, and thereby underselling the *English* and *Dutch* 17 per Cent. is so void of all sense, that it would seem the Libeller and his Suborners were drunk when they suggested it. The Act does indeed oblige such Ships as were employ'd by the Company to break Bulk in Scotland, but lays no such Obligation upon those they might empower to trade to their Colony: And considering what has been already said of the Drawbacks, that the Cargo of the said Ships was Custom-free no where but in Scotland, and that by his own concession they were to pay 3 per Cent. at least to the Company, how was it possible they could under-sell the *English* and *Dutch* 17 per Cent. especially considering the vast Quantities that those two Companies buy at a time, and by consequence were like to have the prime Cost easier than our Infant Company?

After all this sham Story, he happens to tell the main Reason of the Miscarriage of our Design in Holland, and perhaps of its doing so in England. The Dutch East and West-India Companies, says he, complain'd to the Lords of Amsterdam, that the Scots Commissioners were designing the ruin of their Trade. Which by the way shews that the Project of an American Trade was discour'd of by the Commissioners; which the Libeller, it's probable, would not have mention'd, had not his Memory given him the slip, and that he forgot he had formerly told us the Darien Project was still kept secret. Why then should the Dutch West-India Company be so much concern'd at our taking Subscriptions there, but that they knew we had a Design upon the Isthmus of America? and therefore their East-India Company knowing also, that we being once Masters of a good Settlement there, it would have abridg'd the way, and made Voyages speedier to China, Japan, the Philippine Islands, &c. where their Trade lies, they thought it might in time be dangerous for them, if that Isthmus should be possess'd by the Subjects of Great-Britain. So that there's no reason to doubt but they found Interest enough at the West end of the Town to lay as many Rubs in our way as were possible to be done.

The true Reason of the Scots Miscarriage in Holland.

P. 17. The Libellers give us another Evidence of their Candor and Ingenuity, when they tell us, 'The *Hamburgers* knew nothing of Darien, but builded altogether on Ships laden with India Goods, whereof their City and Port was to be the Receptacle and Mart, whilst *Paterfon* wanted only Money to raise Forces to overrun Mexico and Peru. But our Author and his Suborners ought to have consider'd, that since they have told us of the Fears of the Dutch West-India Company, we could easily infer, that the Project of the Isthmus could not be long conceal'd from the *Hamburgers*: That the Act it self would satisfy the Subscribers here, that the Company's Ships must break Bulk in Scotland; and therefore they could not expect to be the Receptacle and Mart of our Stores: whatever they might hope for as to conveying the Merchandize to the Inland Places of Germany, they could not but think we had Shipping of our own to carry our Goods to the ports on the Baltick and German Sea.

The *Hamburgers* could not be ignorant of the Scots Design on Darien.

In that same Page they give us another hint to confirm our Suspicion, that it is more from the Apprehensions of our lessening the Dutch than the English Trade, that the Court have so violently oppos'd us, viz. 'That the *Hamburgers* by joining with the Scots, had a Prospect of worming the Hollander out of a good part of the German Trade. Which admitting to be true, the *Hollanders* had none but themselves to blame for it, since we offer'd to take them in as joint Subscribers before we made any Proposal to the *Hamburgers*; nor is it any ways unreasonable in self that *Germans* should have the preference of other Nations in trading with many.

The Court fear'd the Scots lessening the Dutch Trade rather than the Engl.

After a great deal of profane Banter and ridiculing the Sacred Text, he tells that the Human Reason of our Disappointment was an unnecessary Paragraph our Oötroy, which occasion'd a great many English and Holland Speculations, viz. That in case the Company should be interrupted in their Trade, &c. the King had intend'd to interpose the Royal Authority to do them Right, and that at the Publick Charge; which, says he, *Paterfon* and the rest insinuated in all Companies, That the King was

to assist and defend them with his Ships of War, or otherwise, if there was occasion, and to assist out of his own Pocket, which they did not question to be English Coin.

That even
Pr. should
protect his
Subjects
Trade, is
reasonable.

There's no reasonable Man will think it unreasonable that a Prince should protect his Subjects in their Trade, either by his Men of War or otherwise; and therefore this being a Clause of the Act of Parliament, it was no ways unnecessary to be put into the Patent: And we will adventure to tell *H*—— and his Suborners, that they who advis'd his Majesty to refuse our Company the three Men of War built at our own Charge, when they offer'd to bear the Expence of maintaining them, have advis'd him to act contrary to the Trust reposit'd in him as King of *Scots*, and to contravene this very Act of Parliament, and that which order'd those Ships to be built for defence of Trade: than which there cannot be a more false Step in Government; for when once People perceive that Princes have no regard to the Laws made for the protection and welfare of the Subject, they will naturally think themselves absolv'd from such as require their Allegiance, and support of the Sovereign. That Mr. *Paterfon*, and the *Scots* Company should insinuate from the *Odey*, that we were to be assisted or defended by *English*-men of War or Money, is nothing but a mixture of Falshood and Malice. The Libeller owns that the Words of our Act cannot bear it, and the World knows that our Parliaments never pretend to dispose of *English* Ships or Money; and therefore no Man of sense will believe this Renegado, when he says the *Scots* Company put that Gloss on the Text for their own Advantage, since that had been directly to expose themselves. For we are not to suppose they could think the *Dutch* and *Hamburgers* so weak, as not to peruse the Act it self, which would soon have undeceiv'd them: Therefore all those Reflections, which he pretends the *English* Traders to *India* made upon it, must vanish of course, as having no manner of Foundation.

So P. Ricaut's Memorial as Hamburg against the Law of Nations.

Much less can they serve to justify the Memorial given in at *Hamburg* by Sir *Paul Ricaut* against our taking Subscriptions there: Which Memorial, tho' mis'd by our Libeller, yet even as he represents it, is against the Law of Nations, and indeed scarce reconcilable to good sense; in the first place to call our Agents private Men, who acted by the Company's Authority, and according to Act of Parliament; and in the next place to suppose that the *Hamburgers* could possibly join with us in hopes of *English* Protection, when the Opposition made to us by the Court of *England* was known all over *Europe*: Nay, the Scribler himself owns, *Page 17*. 'That the more Opposition the *English* and *Dutch* offer'd to the Project, the more the *Hamburgers* thought it their Interest to embrace it. This is sufficient to convince the Suborners, that the next time they hire a Scribler to belie the *Scots* Company, they must be sure to pitch upon one that has a better Memory.

The Scots
Scrib. Sec.
more than
the Scrib-
ner.

His next Reflections, *P. 22, 23*. 'That our Ships were neither fit for Trade nor War, that our Cargo was not proper, that our main Design was the *Buccaneer* Trade; that above 10000 *l.* was deficient of the first Payments, and most of the Subscribers not able to raise their *Quota*', are equally false with the rest. The Ships for their Burden and Size, are as fit either for Trade or War as any in *Europe*. The Cargo of Cloth, Stuffs, Shoos, Stockins, Slippers, and Wigs, must needs be proper for a Country where the Natives go naked for want of Apparel, and fit to be exchang'd for other Commodities, either in the *English*, *Dutch*, *French*, or *Spanish* Plantations. For Bibles, we suppose our Libeller would rather we had carry'd Mass-Books; yet others will be of opinion, that 1500 of them was no unfit Cargo: Our own Colony might have dispens'd with that Number in a little time; nor were they unfit to have been put into the hands of such of the Natives, especially of the younger sort, that might learn our Language. For Hoes, Axes, Macheet-Knives, &c. they were absolutely necessary for our selves, and a Commodity much valued by the Natives. Fifteen hundred square *Buccaneer* Pieces, and proportionable Ammunition, was no such extraordinary Store for eleven or twelve hundred Men: And whereas he maliciously insinuates that *Buccaneering* was our main Design, the Event hath prov'd it to be false; had that been our Intent, we might easily have invaded the *Spanish* Plantations at both ends of the *Isthmus*; *Santa Maria* it self, could ever have been able to withstand such a Force, when a few undisciplin'd *Buccaneers* did so easily take them. It's well enough known there was a parcel of as brave Men that went with our Fleet, as perhaps *Great-Britain* could afford, many of them inur'd to War and Fatigues, and knew how to look an Enemy in the Face without being daunted. They had given

proofs

proofs enough of that in *Flanders*, where no Men alive could fight with more Bravery and Zeal than they did for the Common Cause, tho some People have since thought fit to starve them. That there was above 10000 l. of the 100000 l. not paid in, is false; there was not above 2000 l. wanting. For those great Men that thought their Countenance enough, and therefore refus'd to pay in their Subscriptions, he shall have our leave to name them; but perhaps his Suborners will not care to have their Friends so much expos'd. That most of the Subscribers were unable to raise their *Quota*, is demonstrably false, by our sending away two Convoys since, the third's being far greater than the first, and that we are now preparing a fourth. As to the Company's charging 25 per Cent. Advance on every Article of the 19000 l. Stock, it's well enough known, that so much Advance is thought nothing in a *West-India Trade*; it was all the Profit the Company was to have, and only charg'd in the Books by way of Formality, that the Colony might know what they were indebted to the Company.

His Story, P. 23. of its being propos'd in the Company, to sell off their Ships and Cargo, and divide the Product amongst the Subscribers, is nothing to our Dishonour, nor at all to be wonder'd at, considering the unreasonable Opposition we had met with from Court. That we reject'd it as inglorious, argues still that we are not so mean-spirited as he elsewhere represents us. His base Reflections, P. 24. on the Company, as if they had despair'd of the Design, and sent their Men to Sea on-purpose to perish; and on Drummellier, that he order'd the Colony to get Money honestly if they could, but be sure to get it; and if they came home without it, then the Devil get them all, serve only to discover his own Temper, and that he thinks all Men act and speak like himself. We have said enough already to demonstrate the Honesty of both Company and Colony: Had their Design been to get Money without regard to Honesty, they would not have been starv'd to death by the Proclamations, and other Opposition made them at Court; they could quickly have possess'd themselves of the *Spanish Mines*, which the Scribler owns, p. 164. were within twelve Leagues of them, and with much more ease of the 40000 l. that was sunk in the French Ship. But he serves the Suborners for their Money much at the same rate he rid the Scots Company.

His Reflection, p. 25. that Mr. Stratford was oblig'd to arrest our Ships at Hamburgh for 800 l. *Flemish*, as they were sitting out, serves only to discover his own Falice and Folly. Mr. Stratford had very good Security for 800 l. *Flemish* when he had four Ships in Port not yet fitted out; and his receiving his Money in a fortnight or three weeks, as the Libeller owns in the same Paragraph, shows he had no ill ay-masters to deal with. It were well for England if all those that have been employ'd in the Royal Navy could say as much by his Suborners and their Friends. As for our discharging Mr. Stratford to be any longer our Cashier, there's no need of signing any other Cause for it, but that Sir Paul Ricaut's Memorial render'd it needless; and to that same account we must charge the two Ships that were left there to rot in their Ouse. But at the same time we will tell him we had no great reason to be satisfy'd with Mr. Stratford's Conduct, and believe we have less now than ever, since this Libeller defends him.

His Story, p. 26. of Mr. Henderson's arresting another of our Ships for 3000 l. sufficiently answer'd by himself, when he tells us, that he and his Partners fail'd their Subscriptions, which was a just Debt due to the Company, and therefore they had reason to demand and expect it, especially he being a Scots-man: yet the Company dealt very kindly with him on that account; and so much the more, that they consider'd his being a Residenter in Holland, where he was liable both to the English and Dutch Court, to whose account the Libeller must also charge this Front, and the Loss we sustain'd at Amsterdam.

What he says of our Seamen, p. 27, 28. is a manifest Untruth. They were immediately paid, extremely well satisfy'd; and we had such choice of able Seamen who were willing to go in the Expedition, that we turn'd several ashore after they had embark'd, as having no occasion for them. As to his Reflection on Mr. Robinson Blackwood for pinching them of their Wages, and, p. 46. for cheating them as to their Provisions; that Gentleman is now at London, where we leave him to account for it. We doubt not but Mr. Blackwood may have Justice done him in Westminster-hall if he think fit to sue for it; but so much we think our selves oblig'd to say in his Vindication during his absence, that he was never charg'd with such thing by the Company.

The Proposal of selling the Ships, &c. not dishonourable.

Of Mr. Stratford's arresting the Ships at Hamburgh.

And Mr. Henderson's doing so in Holland.

The Seamen were well paid and provided for.

The Transfer was no Cheat to the Seamen.

His next Reflections on the Transfer, p. 29. by which he would impose on the World as if it had been a Trick of the Company to cheat the Seamen of their Wages, are so much the less to be credited, that he himself is a Party, and commenc'd the Suit he talks of in *Dottors Commons*; which tho that Court may perhaps have determin'd in his Favour, because the Bargain was made with him in *London*, and those that made it were on the Spot, and for other Causes best known to themselves, it is nothing at all to the matter in hand; our Courts have no reason to take them for a Precedent, and our Company has as little to allow the Libeller any Wages.

Which was agreed on in Council.

But to come to the Transfer, which he so foully misrepresents. It was so far from being a clandestine Practice, that it was agreed on in Publick Council, and but highly reasonable, that the Colony should be accountable to the Company for the Stock they entrusted them with. The Libeller only betrays his own Folly and Malice, and imposes upon his Suborners, when he says the Gentlemen who gave their joint Bond to the Company for 70000 *l.* were not worth so many *English* Pence; for, admitting they had not been worth one Penny of Personal Estate, they were intrusted by the Company with 19000 *l.* Cargo, and Ships, Provisions, &c. to make it up 70000 *l.* which was not charg'd upon them as their Personal Debt, but upon the Colony as a Corporation, till the same was paid. What he says as to the Seamen is a malicious Untruth. It was indeed agreed that the Colony should pay them; but if they did not, the Company was to do it: and besides the two months Advance which the Libeller owns was paid them, the Company was to pay to them, or to those that had their Powers or Letters of Attorney, a Month in six, and have accordingly paid them. As to the Seamen being made believe that as soon as they had set the Landmen on Shore, they were to proceed on a trading Voyage, and return to *Scotland* to be paid, it is equally false, they being to stay out whilst the Company pleas'd.

The Company impower'd to make it by Act of Parliam.

Then as to the Transfer in general, it was so far from being Clandestine, or a Trick, that the Company was impower'd to make it by the Act of Parliament which gave them their Original, as any Person may see by turning to the Act it self, which authorizes them to 'transfer their joint Stock, or Capital Fund, or any Estate Real or Personal, Ships, Goods, &c. belonging to the Company, under such Restrictions, Rules, Conditions, &c. as the said Company shall by writing in and upon their Books, &c. appoint.'

The Landmen rais'd for the Colony knew what they had to trust to.

As to the Landmen, whom he will also have to be impos'd upon, they knew what they had to rely on, and were very well satisfy'd with it: And as to the Company's levying Soldiers under the Notion of Planters, without asking leave of the Privy Council; admitting it to be true, they are not at all to be blam'd for it, since they had no reason to think that the Faction at Court, which had contraven'd Acts of Parliament by opposing their Subscriptions, and denying them the Men of War built for the protection of our Trade, would allow them to levy Soldiers under that Name. But the truth of the Matter is this, they were really design'd for Planters, and not at all for Military Business; tho it was highly necessary the Colony should have as many Officers and disciplin'd Men as they could, that they might be the more able to defend themselves in case of Attack: And therefore his railing against the Colony for offering to punish Deserters and other Criminals, pag. 31. only discovers his own Ignorance and Malice; for by the Act of Parliament they had the whole Power, Civil and Military, confer'd upon them, and accordingly might exercise their Power upon all Persons belonging to the Company as they saw cause; so that this is again a libelling of the Act of Parliament thro the Company's Sides.

His Representation of the seven Men chosen for Counsellors, pag. 34. is false and malicious to the highest degree. The Liberty given to add other six to those seven, was not, as he spitefully insinuates, for *English* or *French* Men of Substance that should join them from the *West-India* Plantations, but for such of their own number as they might think fit to assume afterwards. It cannot once enter into the Thoughts of any Man of Sense, that the Colony should at first entrust Foreigners, and especially *French* Papists in their Government, or that the Company had any design they should do so; but he and his Suborners think it their Interest to make us odious to the *English* and *French*, by accusing us of a design to drain their Colonies.

As to Mr. *Paterfon*, whom he hath all along abus'd, he happens now thro Inadvertency to vindicate him from his own Calumnies; he formerly charg'd him as being

being Partner with *Smith* in cheating the Company of 8500*l.* and now he tells us that Mr. *Paterfon* was brought to this *Dilemma*, either to go aboard the Fleet bound for *Calèdonia* as a Volunteer, or to go to Prison at *Edinburgh* for Debt; which, had he cheated the Company of so much Money as this Libeller pretends, there had been no occasion for, he might have paid his Debts, and gone where he would. And besides, the Scribler vindicates the Company at the same time from his former Charge of their being bewitch'd by *Paterfon's* golden Dreams, &c. for had they rely'd so much upon him as the Libeller alledges, they would never have shew'd that Indifference for him which here he ridicules him with. Such has been the hard Fate of the Suborners, that their Tool has not the sense to make his Evidence consistent, but every where cuts his own Throat by Self-contradictions.

To sum up the Matter according to the Libeller's own Evidence. In the Council there were some Men of Quality, that had been bred to the Sword and the Law, others had been Officers both by Sea and Land, and some that had gain'd Experience in Merchandizing, and several Trades.

His Banter on the Death of the Ministers, and blasphemous Abuse of Scripture, pag. 37. smell so rank of the Atheist and Libertine, and do so evidently prove that he hath lost all sense of Humanity and Religion, that we are satisfy'd it will do his Masters and their Cause more hurt than service; and therefore we pass it over.

The next Proof we have of his Falshood and Malice, is his long Story about Mr. *Waser*, from pag. 38, to 45. wherein he does so blend Truth with Falshood, as shews he had a mind at any rate to bespatter the Reputation of the Committee of the Company: the said Committee knew nothing of those Gentlemens treating with *Waser* at *London*, till they acquainted them with it, and it was only upon their Recommendation that they sent for him. As to their Collecting any Guineas at *Pontack's* for Mr. *Waser*, it is altogether false. The Articles were drawn by Mr. *James Campbell* the Merchant, now in *London*, and wrote by Mr. *Fitz-Gerald* an Irish Merchant, who both can testify that this Matter is foully misrepresented; for Mr. *Waser* had an Alternative propos'd to him, which he agreed to, viz. to have so much if the Company thought fit to imploy him, and so much for his Trouble and Pains if they did not: the Company was so far from standing in any need of his Book, that they had a Manuscript of it before ever they saw him, which was altogether unknown to the Gentleman that treated with him at *London*; this he himself knows to be true, and that to his no small Surprize they repeated several Passages out of it to him, and indeed the Manuscript is more particular than his Book; whatever Cause he hath since had to make Alterations in it we know not.

The Libeller's Story about Mr. Waser false and malicious.

The Company upon the whole, finding that he could inform them of nothing considerable more than what was in the Manuscript, and that he could do them no great Service, left him at his Liberty to publish his Book when he pleas'd, gave him about an hundred pounds first and last for his Pains and Expence, with which he was very well satisfy'd, and hath declar'd several times since that the Company dealt very honourably with him, tho Mr. *H—s* took a great deal of pains to make him publish a Memoir to the contrary, which by his honest Friend Mr. *Fitz-Gerald's* Advice he desisted from doing. As to the Libeller's malicious Insinuation that they had no further Service for him when once he had discover'd the Place where the *Nicaragua* Wood grew, it is absolutely false, for the Manuscript they had was very particular in that. This Mr. *Waser* knows to be true, and if he have out a just Resentment, he is equally concern'd to vindicate himself; for the Libeller reflects as much upon him as upon the Company, when he charges him with putting a Cheat upon them as to their *Nicaragua* Wood, pag. 44. which *H—s* says he and others went in search of for several Miles along the Coast, but could find none; and yet he magnifies *Waser's* Freedom, and being ingenuously by informing them so particularly as to the place where the *Nicaragua* Wood grew, ag. 41. so perpetually does this malicious Libeller contradict himself. — As to he other parts of his Story, of Mr. *Waser's* being conceal'd near *Haddington*, and afterwards at *Edinburgh*, it was no more than what Prudence would have directed any Men to do in the like Circumstances: the Company not knowing, till after having discours'd him, whether he could do them any Service or not, it was ot their Wisdom to expose him to publick View; and having found that he could ot serve them, it was equally prudent in them to keep him at an uncertainty as to heir design, they being under no obligation to acquaint him with it. As to the story of Admiral *Bembo's* waiting their Motion, if they did say so, the Event hath made it but too probable; he has waited so long in those Parts till our Colony has

left

left *Darien*: what Orders he had concerning it, or what Part he hath acted in it, Time must determine; but if all that we have heard of large Bills being return'd him, and of his Offers by his Sloops to draw our Men from our Colony be true, there's reason to suspect that he was sent thither with no design for our advantage. However that may be, we know not; but this we know, that if our Enemies at Court had been as zealous to protect us as they have been to ruin us, the Admiral would certainly have had Orders to have made Reprisals on the *Spaniards* for detaining Captain *Pincarton's* Ship and Men, contrary to Treaty with the King of Great Britain, when forc'd a-shore by a Storm under the Walls of *Carthagera*.

He tells us, *pag. 45*. ' That two Thirds of the Provision were spent e'er the Fleet sail'd, that there was none to be had in *Scotland* at that time, and if there had, there was no Money; the 100000 *l.* being sunk, and the Company's Credit not worth 2*d.* and that they had stuck there, had it not been for some few Pillars of the *Scots* Company who mortgag'd their Estates, for which the Company made over three of their Ships to them for their Security.

The Company had Credit.

That there were no Provisions to be had then in *Scotland*, will readily be allow'd him, and is sufficient to answer all his malicious Clamour against the Company, and to confute his own Objection, *pag. 155*. in defence of his Masters against the Company, for not sending them Provisions. That there was no Money, and that the Company's Credit was not worth 2*d.* is confuted by himself, when he owns that a few of the Pillars rais'd 5000 *l.* and took three of the Company's Ships for Security. For that a few of the Pillars could raise 5000 *l.* and the Company have three new Ships, one of them of 70 Guns, to give for Security, and yet the Company's Credit not to be worth 2*d.* is a palpable Contradiction.

Those that lent the Company Money had not Ships as Security.

That any of the Company mortgag'd their Estates to raise Money, is false; they advanc'd it on their own Credit, as they might well do, it being well known there are several of them who have as much yearly Estate as the Sum he speaks of: Nor did they desire the Company's Ships in Security, but only a Bond, which it was reasonable they should have.

How the Provisions might come to be short.

He comes next to give us an Account of the shortness of the Provisions, *pag. 46*. and of his own Honesty in the mean time, in not acquainting the Commodore with it till they were three days at Sea; perhaps he had embezel'd them himself, or pocketed some of the Money, for he owns that he had some time before been concern'd in the Victualling part, and therefore dar'd not to say any thing of it on Shore, lest it might have been prov'd upon him. But however that is, this we are sure of, that the Company had Letters from their Ships at the *Maderas*, that they had Twelve Months Provisions of all sorts, at sharp Allowance; and that if any thing fell short, it was likely to be their Bread: That they thought this to be true, may be reasonably concluded from his own Narrative, where he says the Council, upon his Representation, design'd to send an Express from the *Orkneys*, to acquaint the Company with the shortness of their Provisions, which to be sure they would have done, had they been sensible that they were so short as he alledges. Besides, he owns they had full Eleven Months Allowance of Stock-fish at four Days in the Week; whence it's probable that they had other things in proportion.

Why the Ships had no more Beer.

The Reason why they had no more Beer but Ten Tun, was that the Seamen could not depend on the Beer because it spoils; they had great store of very good Water, and a very great quantity of Brandy, which the Libeller takes no notice of. As for the Company's promising them Credit at the *Maderas*, it is false; nor was there any need of it, they had Pipe Staves and other Goods, which were thought proper for the *Maderas*: but if it did not answer so well as 'twas expected, 'twas but the common Misfortune of Merchants, who many times meet with such Disappointments. Nor is it to be expected that a Nation of so little Experience in Trade as ours, should, at first setting out, be free from Mistakes or Mismanagement, especially since we have such invective Enemies to deal with, who make it their business to get ill Men amongst us every where, on purpose to break our Design.

His next Reflection is on the small Allowance of ready Money, which is sufficiently answer'd when we tell him their Cargo was reckon'd instead of it, and, as has been already said, must needs be conceiv'd to be very proper for a Country where People go naked for want of Apparel. They had a great deal of Butter, and excellent Beef, of *Scots* Breed, by which we gain'd an Experiment contrary to the common Notion; for upon trial it was found to be better than the *Irish*, and therefore our Men resolv'd to keep it last. His Objection as to its having been Eighteen Months

Months in Salt, is frivolous: Seamen think nothing of that, when they can carry Beef to the East Indies and back again, and keep it good all the while. His Charge upon Drummellier, as having bought damnify'd Wheat for their Bread, and put the Money in his Pocket, is malicious and false: There's no Man but one of the Renegado's Temper that can suspect that worthy Gentleman to be capable of any such thing; besides the Bread was extraordinary good.

His Story, pag. 50. about Crab-Iland, is false; the Company gave no positive Orders to leave any Men there: and it's equally false that the Danes prevented our taking possession of it; our Men were there before the Danes came from St. Thomas, the Governor of which suspecting our Design, upon the arrival of the Unicorn there, sent an Officer and fifteen Men to assert the King of Denmark's Right. After our Men went off from the Place, they saw the Danish Sloop in another Bay of the same Island, call'd Frenchman's Bay, and a Tent ashore with Danish Colours on it; upon which Captain Pennicook landed again, told them we were possess'd before them; against which they offer'd their Protest to please the Court of Denmark, but wist'd with all their hearts we might settle there, for we should be a good Bulwark to them against the Spaniards of Porto-Rico, who are very troublesome Neighbours.

The Company order'd no Men to be left at Crab-Iland.

It is false what he says, pag. 54. That Captain Andreas, after looking upon us at first Landing, did not come near us in three or four Weeks; for he came aboard us at first with some of his Men on the 2d of November, and brought his Travelling Wife with him on the 3d of November, when he came on board again, and was very well satisfy'd with us; and on the 10th of the same Month, he and his Son, Wife and Sister, din'd on board us. And on the 30th of November he was invited on board, handsomely treated; and after having given a rational Vindication of himself, as to the Matter suggested against him by the other Darien Captains or Princes, and being inform'd of our real Design, which before he suspected to be Piracy, he desir'd a Commission from us, which was readily granted and cheerfully accepted; and he solemnly promis'd to defend us to the last drop of his Blood. That his Commission was left behind him in the Locker of the Roundhouse, cram'd in amongst empty Bottles, we have nothing but this Renegado's Word for it; but admitting it to be so, it does not therefore necessarily follow, that it was left there by Andreas, or his Order: it is not to be suppos'd that a Person of his Note could creep into the Round-house undiscover'd; and perhaps it may be no unreasonable Conjecture to think that it was stole from him, and lodg'd there by this Renegado; for he owns that it was himself that found it, and he knows the Proverb, *He that hides knows best where to find.*

Capt. Andreas came readily to the Ships, and promis'd them Assistance.

His Story about Andreas's Exit, p. 60. That he fell, or was thrown down the main Hatchway of the Caledonia in the Night-time, after a Quarrel with Ambrosio, the greatest of those Indian Captains, has such an Air of Malice and Falshood, that it requires better Evidence than that of a self-contradicting Libeller, before it can obtain Belief with any rational Man; or allowing it to be true, that he was actually tumbled down the Hatch-way in the Night-time, it looks more like the Practice of such a quarrellous ill-natur'd Person as himself, than of any body else. They that know his Behaviour to his own Captain, when he was Surgeon on board one of the King's Ships, his quarrelling with Captain Pennicook, Commodore of our Ships that went to Darien, and the whole Tenor of his Conversation, cannot think this any uncharitable Reflection. His unnatural Rancour against his Native Country, and unbounded Malice against the Scots Company, make it probable enough that he might do such a thing on purpose to render the Natives Enemies to the Colony, which he deserted himself about a Month after. And this is so much the more probable, because he exclaims against those on board for not taking care of Andreas, nor letting him Blood after his Fall, since none was so proper to do it as himself, who was a Surgeon, and on board the Ship at the time.

His Death how it came.

It is needless to insist any further on his Train of Falshoods and Inconsistencies in his Account of the Country; which being contrary, not only to all who have wrote of it, but also to the Journals and Letters sent from our Colony, we have better reason to say, that his Description is calculated to the Humour of our Enemies and his Suborners, than that the Colony's and Mr. Wafer's Accounts were calculated to the Meridian of the Scots Company. To put this Matter out of all doubt, we shall here subjoin the first Letter sent from Caledonia by the Council of the Colony to the Company, which is the Testimony of six against one.

Right Honourable,

The Council of the Colony's Account of the Place:

OUR last to you was from the *Maderas*, of the 29th of August, and sent by the several ways of *Holland* and *Portugal*, to the Contents whereof we now refer, and in particular to the State of Provisions therewith sent, and which we now find doth considerably fall short even of what was then computed, by reason of the badness of the Cask. The account of the remaining part of our Voyage, together with the most material Transactions since, you may know by the inclos'd Journal or Diary of our Proceedings.

We now send you our Letters and Dispatches by Mr. *Alexander Hamilton* Merchant, who takes the Opportunity of passing to you by the way of *Jamaica* over *England*, to whom we desire you would order Forty Shillings Sterling to be paid Weekly towards his Expences, during the time he shall stay with you negotiating our Affairs.

The Wealth, Fruitfulness, Health and good Situation of the Country proves for the better, much above our greatest Expectation, which God Almighty seems to have wonderfully reserv'd for this Occasion, and now to have prepar'd our way, and dispos'd the *Indies* to that purpose. In our Passage hither several of our Number have been taken from us by Death (whose Names we have herewith sent you) and whereof the Loss of our two Ministers is the most sensible to us. We therefore intreat you would use your utmost Endeavours with the General Assembly, for procuring others to supply that great Want. As to the Country, we find it very healthful; for altho we arriv'd here in the Rainy Season, from which we had little or no shelter for several Weeks together, and many Sick among us, yet they are so far recover'd, and in so good a State of Health, as could hardly any where be expected among such a number of Men together; nor know we any thing here of those several dangerous and mortal Distempers so prevalent in the *English* and other *American* Islands.

In Fruitfulness this Country seems not to give place to any in the World; for we have seen several of the Fruits, as *Cocoa-Nuts*, whereof Chocolate is made, *Bonellos*, *Sugar-Canes*, *Maize*, *Oranges*, *Plantains*, *Mangoes*, *Yams*, and several others, all of them the best of their kind any where found.

Nay there is hardly a Spot of Ground here but what may be cultivated: For even upon the very Tops and Sides of the Hills and Mountains, there is commonly three or four foot deep of rich Earth, without so much as a Stone to be found therein. Here is good Hunting and Fowling, and excellent Fishing in the Bays and Creeks of the Coast; so that could we improve the Season of the Year just now begun, we should soon be able to subsist of our selves; but Fortifying and Building will lose us a whole Year's Planting.

By the want of Sloops, or small Coasting Vessels, we have hitherto had no opportunity of disposing any part of the Cargo, or doing other needful things.

Since the Loss of the *French* Ship mention'd in the Journal, we understand that the Captain had an underhand Correspondence, in tampering with some of the Natives whom he intended to carry away with him; which heightens our Jealousy that the French have a Design upon this Place, or at least to make a Settlement hereabout. And we heartily wish that our most Gracious King were truly inform'd of what Consequence it will be both to his Greatness and Security, to countenance and encourage his Loyal and Dutiful Subjects here; that our Prince and Country be not only depriv'd of so valuable a Jewel, but lest the same should fall a Prey to some of our Rival Neighbours. This will be the Company's part to notice after these Dispatches shall come to hand.

You have inclos'd a List of several Goods and Merchandizes vendible and proper for this Place; our Situation being incomparable for the Trade of the Coast, where (besides our Inland Trade) there is commonly but two or three, or at most but eight or ten days Sail to the best Places of Trade upon the Coast, and to the outmost considerable Islands adjoining. And we desire that particular Merchants in *Scotland*, and elsewhere, may be encourag'd to trade and correspond hither; in which we hope they will sufficiently find their Account.

We have also sent you a state of what Supplies of Provisions, Stores and Merchants Goods are absolutely necessary for the present Support of the Colony; referring it to the Company to determine what reasonable Consideration they will have for the Sums that shall be advanc'd for that purpose: And we intreat that all possible Expedition may be us'd in sending us these needful Supplies; for

without

‘ without that we shall not only be incapable of making you futable Returns, but
 ‘ this hopeful Undertaking, together with our selves, will run no small risque of
 ‘ being inevitably lost. But however it be (by the help of God) we shall not fail
 ‘ to do our utmost in making speedy and futable Returns, and shall always account
 ‘ it our greatest Honour to expose our Persons, and all that’s most near and dear
 ‘ unto us, in promoting this hopeful Design, as not only promising Profit and Glo-
 ‘ ry to the Company, and all who are concern’d with them, but as being the like-
 ‘ liest means that ever yet presented towards the inabling our Countrymen to re-
 ‘ vive, recover, transmit to Posterity, the Virtue, Lustre, and wonted Glory of
 ‘ their Renown’d Ancestors; and to lay a Foundation of Wealth, Security and
 ‘ Greatness to our Mother Kingdom for the present and succeeding Ages, in which
 ‘ we can no way doubt of your most hearty Concurrence and utmost Support. So
 ‘ praying Almighty Cod would bless and prosper the Company in all their Un-
 ‘ dertakings, we remain,

‘ Right Honourable,

‘ Your most humble Servants,

Caledonia, New Edinburgh,
 Decemb. 28. 1698.

Robert Folley,
 J. Montgomery,
 Dan. Mackay,

Rob. Pennicook,
 Rob. Pincartone,
 Will. Paterfosh.

P. S. ‘ We intreat you to send us a good Engineer, who is extremely wanted
 ‘ here, this Place being capable of being strongly fortify’d. You’ll understand by
 ‘ ours from *Maderas*, the Danger as well as the Tedioufness of our Passage North
 ‘ about; so that if the Ships can conveniently be fitted out from *Clyd*, it will save
 ‘ a great deal of time in their Passage, and be far less hazardous.

This being from Men who knew the Misrepresentation of the Affair must needs
 issue in their own Ruin, cannot be suspected of Disingenuity; and therefore must
 certainly over-balance the Evidence of a Renegado, who owns that he writes out
 of Malice.

The first Defence he puts in the Company’s Mouth, is, their being baulk’d of
 foreign Subscriptions, which made them lose Time and Money, whereby they could
 not send out such a number of Men and quantity of Provisions as the Project would
 have requir’d. This is literally true, let *H — s* and his Suborners answer it if
 they can. As for his Question, Why did they prodigally throw away 50000 *l.* in
Holland and *Hamburg*, purely to make a Bluster there; and why did they trust to
 another Man’s Purse till such time as they are sure of it? we shall answer by ask-
 ing him another Question, *viz.* Since he pretends to know the Secrets of the West
 end of the Town, why did our Government oppose our taking foreign Subscrip-
 tions, since they had empower’d us by Acts of Parliament, and Letters Patent to
 take them; and since ’twas such a thing as the like perhaps was never done, what
 reason had we to suspect being baulk’d of our foreign Subscriptions? He himself
 own’d that the *Hollanders* and *Hamburgers* were fond of our Project, till our Go-
 vernment oppos’d us; and therefore, by his own Confession, they are to blame for
 those Disappointments. As to our taking Subscriptions in *Hamburg* and *Holland*,
 we had reason to ingage as many of our Protestant Neighbours in the Design as we
 could, that we might be the more able to defend our selves in case of Opposition;
 which is neither ill Policy, nor inconsistent with Honesty.

The second Defence he puts in their Mouth, That their Ships were man’d, no
 Provisions to be had in *Scotland*, more were providing abroad, and no more Money
 to be had from the Subscribers till once the Ships were sail’d, is such as he and his
 Suborners will never be able to answer: What could the Company do more, than
 take care to have Provisions abroad, when none were to be had at home? And if
 the Subscribers would pay no more Money till the Ships put to Sea, there was a ne-
 cessity of Sailing. His Objection as to the shortness of their Provisions, we have
 answer’d already, and shall add what he maliciously conceals, That we sent a Ship
 with Provisions after them, which was cast away in *January*, for which we cannot
 be answerable; and he himself owns we sent another Convoy in *May*: Then since
 he Colony sent us Advice from the *Maderas*, dated *Aug. 29.* That they had still
 eight Months large, and twelve Months short Allowance, the Company cannot

justly be accus'd of supine Neglect, when they sent away one Ship with Provisions four Months after this notice, and two more in five Months after that, considering that they had no Provisions in *Scotland*, as the Libeller himself owns; and that the Colony had a Cargo which might have bought them Provisions either from the Natives, if they had any to spare, which we could not doubt of by Mr. *Waser's* Description, or from the *English* Colonies, had it not been for the Proclamation; which we had no reason to suspect would be issu'd at all, and much less in such a manner, in the Name of our own Prince, who was oblig'd to protect us.

Why their
Fleet sail'd
without
greater
Provisions.

To the Causes he assigns for the sailing of our Fleet without a greater quantity of Provisions, we shall add one more, viz. That we had reason to fear that our Enemies might prevent us; which Capt. *Long's* being on those Coasts a Month before us, shews was not without ground; no more than our Suspicion, that Endeavours were us'd to surprize us into a War with the *Spaniards*, by *Long's* Men killing seven of them, as hath been already mention'd; and of his doing all he could to make us odious to the Natives, by telling them we were Pirates, and disobliging both *Ambrosio* and *Diego*, by sordid little Actions of his own, as Capt. *Pennicook* gave us an Account in his Journal. A grave Member of the Committee of Trade can give a more full Account of this, if he pleases; and when his hand is in, he would do well to assign us a Reason why that barbarous Murder committed by *Long's* Men, was never yet taken notice of by the *Spaniards*, since they have publish'd such angry Memorials against us, who committed no Hostilities upon them.

His Objection to the third and fourth Reasons relating to the Honesty of our Design, and the Cargo's not being proper, we have answer'd already. As for that of our Goods being seizable in *Jamaica* and other *English* Plantations by the Act of Navigation, it's one of the Hardships we justly complain of, that was put upon us by the Enemies of our Nation in *Charles II's* time. But allowing it to be reasonable, it cannot have so much Equity in it, as the Laws which make it punishable by Death to rob and murder. Yet the Execution of those are many times dispens'd within favour of Criminals, by his Majesty; and indeed a Power to dispense with the Execution of Law sometimes, to save the Life of a Subject, is one of the most innocent Branches of the Prerogative; but we had much more reason to have expected a Dispensation in this Case, to save the Lives of so many of his Subjects, who had generously ventur'd them for himself.

His owning, pag. 148, and 154. That a Cargo of Provisions, brought by two *Jamaica* Sloops, was bought by the Colony, besides as much Turtle as came to an hundred and odd Pounds, for which he owns the Colony paid them; not only contradicts what he says almost in the same breath, That there was neither Money nor Monys-worth to be had in the Colony, and that they laid out all their Stock of ready Money for Wine at the *Maderas*, p. 48. but may, together with their having both Provisions and Money when they came to *New-York*, justly confirm our Suspicion, that there was a Mismanagement of the Provisions; since two Sloop's Cargo of Provisions, 27 Pipes of Wine, 100 Pounds worth of Turtle, the Fish, Plantains, Bonanoes, Potatoes, Indian Corn, Sojourns or Land-Crabs, which he says were plentiful at first, added to their former Provisions which they own'd they had at the *Maderas*, together with the decrease of their Number of Men by Death, was not enough to keep their Colony from starving for nine Months. We have still the more reason to suspect this, because the Letter from *New-York*, which brought us the first certain Account of the Disaster of our Colony, hinted as if there might be some Work for the Hangman. That there were more ill Men in the Colony than *H—s*, is probable enough, and particularly that *Pennicook* was brib'd to raise Divisions in the Colony, and put all in Disorder by his Insolence; which falling in with the Proclamations that were concerted for our Destruction, gave a handle to other ill Men to foment the Divisions, and compleat the Ruin of the Colony by a total Desertion.

The Libeller's Account of the *Jamaica* Sloops false.

His Insinuation, pag. 154. That two *Jamaica* Sloops with Provisions return'd from the Colony without breaking bulk, because there was neither Money nor Market Goods there, deserves better Evidence than his own before it obtain Credit. We have indeed heard of one Vessel with Provisions, which insisted on such extravagant Rates, that the Colony would not encourage them to do the like in time to come, and therefore would not deal with them, hoping that their own Convoy might speedily come up; but this was before they knew any thing of the Proclamation, which cut off all their future hopes even from *Scotland*. We have also Letters from *New-York*, that the Government of that Place seem'd to intend them no good; of which their desiring our Ships to come and anchor under the Guns of the

the Castle, is a clear Proof; and the reason of this unkind Treatment, is also explain'd to us, viz. That they suspected our Men had a design to return back as soon as they got Provisions. Nay, we have had Advice that their Gold Dust was actually refus'd at *Jamaica*, because of the Proclamations, which we have reason enough to believe; since we cannot think that the Inhabitants there would be willing to incur the height of his Majesty's Displeasure to oblige the *Scots*. That our Men had Gold Dust from the Natives for Powder, Shot and speckled Shirts, the Libeller owns himself, p. 149. and there he brags of it, that he brought off more himself at 3 l. 10 s. per Ounce (how he came by it, is worth the Inquiry) than most of the Counsellors that are come home since; and by Letters from *New-York*, we have heard there was Money amongst them. By all which 'tis evident, That want of Money or Goods was not the sole Cause of their being deny'd Provisions from the *English* Plantations. His Insinuation, that the *French* and *Dutch* Islands would have supply'd us if we had had Money or Goods, is ridiculous; when the Government of both those Nations had so expressly declar'd themselves against us.

His Allegation in that same Page, that his Majesty knew nothing of the Colony's Settlement at *Darien*, but what he had at second hand, &c. till the *Spanish* Ambassador told him from his Master, is so notoriously false, that none but a Person of his Forehead could have advanc'd it; when the World knows that the Proclamation against us was publish'd in the *West-Indies* in *April*, and the *Spanish* Memorial was not deliver'd till *May* following. We should indeed be very glad to find that his Majesty knew nothing of those Proclamations, and that his Name was made use of without his Consent, as some say his Grandfather's was in the *Irish* Massacre; for then we might reasonably expect speedy Justice upon those bold Offenders, who dar'd to publish such Proclamations in his Majesty's Name, wherein we are condemn'd, as having invaded the *Spanish* Dominions, before ever it was heard what we could say for our selves, or without giving us any notice of those Proclamations, that we might have taken care to have preserv'd our Men from being starv'd to Death by them: By which they have made our Prince to act more like our declar'd Enemy, than one that we had constantly lov'd and rever'd as Father of his Country. And that which is yet more cutting, they still prevail to mislead him, so as he continues his unnatural Opposition to us: For besides the Proclamations formerly mention'd, another has been since publish'd against us in *Barbadoes*, dated *Sept. 15*. which is so much the more unaccountable, considering the Memorial given in by our President and Advocate, justifying our Pretensions, which the *Spaniards* have never yet offer'd to answer. By means of this Proclamation, the *St. Andrew* was deny'd Relief when she fell in with Admiral *Bembo*, who told her, tho they should all starve he could allow them none; and the like Answer they had from the Governor of *Jamaica*, tho they offer'd Goods in Exchange. The like Opposition is also continu'd against us at home; for tho the Company have address'd his Majesty, yet 'tis without effect. After a full Representation of their Losses, they did wisely and dutifully desire the Parliament might meet, that being the properest way to save the sinking Honour of the Company supported; but his Majesty, instead of granting their reasonable Desires, was prevail'd upon, by those who are Enemies to our Country, to prorogue it further at the very time when they knew the Address was coming up; and all the Answer thought fit to give them, is, *That his Majesty is sorry for the Loss of his antient Kingdom and of the Company, that they shall have the same liberty to trade to the West-Indies as formerly, and that he will call the Parliament when he thinks the good of the Nation requires it, or to that effect.* It may easily be judg'd, that this Answer could be no way satisfactory to the Company in such a Juncture; nor are we to wonder, if instead of chearing their Spirits, it struck them dumb, and fill'd them with Amazement. We wish that those who advise his Majesty to such a Conduct towards the People of *Scotland*, who have never been backward in testifying their Loyalty and Affection to his Person and Government, would consider that this is a downright Violation of our Constitution. 'Tis certain that none are so proper to give his Majesty Advice when a Parliament is necessary, as our own Nobility, Gentry and Boroughs, who are most of them concern'd in our Company; and therefore their Address ought to have been more regarded than the Advice of any particular Persons.

This false Method of Government hath ruin'd many of our Princes, and we wish that those who put his Majesty upon such Measures, may not have his Ruin in prospect. It is certain they can be none of his Friends, who put him upon dispossessing the whole Kingdom of *Scotland* in this manner.

The Spaniards Title to the Darien considered.

We come next to the Libeller's Defence of the *Spanish Title to Darien*, p. 163. His first Argument, That the *Spaniards Title* to that Country was never hitherto disputed by any Prince or State, is a downright Falshood. The *Darien Princes* themselves controverted it always, and their Plea was allow'd to be good by the Judges of *England*, as we have been forc'd to tell this *Renegado* and his Suborners again and again. The Title of the *Spaniards* as Conquerors to any part of *America*, is not only doubted by the Bishop of *Chiapa*, Don *Bartholomew de las Casas*, mention'd in the *Defence of the Scots Settlement*, but strenuously argu'd against and maintain'd to be unlawful, in his Propositions concerning the Title of the King of *Spain* to *America*, propos'd to the Consideration of the King of *Spain* himself. In his ninth Proposition he asserts, ' That when Christian Princes apply ' their Endeavors to propagate the Faith, they ought to have no Consideration ' for any thing but the Service of God.——Or if they can do any thing for the ' Advantage of their Dominions, while they augment the Kingdom of Christ, it ' ought to be without any considerable prejudice to the Infidels or the Princes that ' govern them——Prop. 10. He asserts, They have their own lawful Kings and ' Princes, who have a Right to make Laws, &c.——for the good Government ' of their respective Dominions, so that they cannot be expel'd out of them. or ' depriv'd of what they possess, without doing Violence to the Laws of God as ' well as the Law of Nations. Prop. 26. Seeing the *Spaniards* have not been supported either by the Authority of their Prince, or any lawful Reason, to make ' War against the *Indians*, who liv'd peaceably in their own Country, and had ' done the *Spaniard* no wrong, all such Conquests that have been or may hereafter ' be made in the *Indies*, are to be accounted unjust, tyrannical and null, being condemn'd by all the Laws of God and Men. It's true, he supposes the King of *Spain* to have a Title to the Sovereignty of the *Indies*, by the Pope's Grant; but it is with such Restrictions, as those he mentions: and in his sixteenth Proposition says, The Pope has Power to revoke it, if it be found prejudicial to the Establishment of the Faith; and he expressly declares throughout his Book, that all the Methods taken by the *Spaniards* were such; so that here's one strong Evidence of their own against them.——*Dominicus de Soto*, the King of *Spain's* Confessor at the time, seems, by his summing up the Dispute betwixt this Bishop and Dr. *Sepulveda*, to have been of the same Opinion; and *Sepulveda's* Books, maintaining the contrary, were suppress'd by the Emperor *Charles V.*

Of the same Opinion, and indeed more express against the Methods by which the *Spaniards* acquir'd their Dominions in the *Indies*, is *Franciscus a Victoria*, chief Professor of Divinity in the University of *Salamanca* (whom the Emperor *Charles* the Fifth consulted in Cases of Conscience, and in this amongst others) as may be seen in his *Prælectiones Theologicæ*, *Prælect. 5. de Indis*, where he argues the Point at large; and in *Prælect. 7. de Jure Belli*, lays down this as a Maxim, *That an Injury receiv'd is the only just Cause of making War*. So that it being plain from Matter of Fact, that the *Indians* did no manner of Injury to the *Spaniards*, their War upon them must of necessity by this Argument be unlawful. More has been said already in Vindication of our Title, in the *Defence of the Scots Settlement*, than the *Renegado* and his Suborners can answer; therefore we shall wind up this Matter in a few Words more.

His alledging we might as well land in *Jamaica*, where the wild Negroes have deserted their Masters, or in *Tobago*, &c. serves only to discover his own Folly. There are no unconquer'd Natives, who have their own Princes to govern them in either of those Islands; nor are the Titles of the *English* and Duke of *Courland* to those Places question'd. The *Irish* having admitted *French* Troops into their Kingdom is as little to the purpose, since they have had no shadow of Government or Sovereignty left them for several Ages, have from time to time submitted to the Government of *England*, and admitted those Troops in defence of the late King *James's* Title, which he derives from *Henry II.* that conquer'd them. Besides, the Libeller himself owns, pag. 54. That the Natives themselves were pleas'd with the hopes of being restor'd by us to their antient Liberty and Greatness; and pag. 55. That *Ambrosio*, one of their greatest Captains, was at War with the *Spaniards* before our Arrival. His alledging that Captain *Andreas* was a *Spanish* Captain at the time of our Landing, needs better proof than his Assertion. That he might be then at Peace with the *Spaniards*, and have some respect for them, because of his being bred among them, as *H—s* says he was, pag. 60. and that they then gave him a Commission as a Captain, does not at all argue that he was in the *Spanish Interest* when

when we landed, or any way subject to the Crown of Spain; if he himself promis'd Subjection, it does not divest his Subjects of their Right, and that *Andreas's* Successor and they were no Friends to the *Spaniards*, is evident from the Libeller's own Story, that they gave our Colony notice of the *Spanish* Party that came to view them, and led them to the Place where they were. We have likewise the Testimony of all that have writ of this Place, against the Renegado, besides that of the Journals of our own Colony, which give an Account that *Ambrosio* had engag'd all his Neighbouring Princes in a League against the *Spaniards* before our Arrival.

Scotland's Grievances relating to Darien, &c.

Humbly represented to the Parliament.

Vos, quibus potior est turpis cum Securitate servitus, quam honesta cum periculo Libertas; istam, quam magni estimatis, fortunam amplexamini, ego in Patria sæpe defensa, liber & libens moriar, nec me prius ejus Caritas quam Vita relinquet. *Vallas ad Brussium, Buchan. Hist. Lib. 8.*

In English thus:

You who had rather like Cowards submit your Necks to a Yoke of ignominious Slavery, than expose your selves to any danger in asserting the Publick Liberty; hug that Fortune which you value so highly: for my part I shall cheerfully sacrifice my Life to die a Free Man in my Native Country, which I have so often defended; nor will I cease to love it till I cease to live. *Wallace to Bruce, when he join'd with the English against his Country.*

Ordinibus Regni, Scotorum gemitus & lamentabiles querelæ.

THE People of Scotland, most Illustrious Patriots, like Children in a great measure depriv'd of the Kindness and Protection of one of their Parents, have recourse to you as the other. When one Parent is dead, or under a moral Incapacity of performing their part, if the other prove unnatural or negligent, the poor Children must unavoidably be undone. The People of this Kingdom whom you represent, have been depriv'd of the benign Influences of our Kings these hundred Years. Our Neighbours having the Political Fathers of our Country under their Command, are so far from leaving them at liberty to treat us as Subjects and Children, that they have from time to time made them treat us like Enemies; but never more than at present, as is obvious to all the World, our great Loss and Dishonour.

We have no other Remedy left us then, most Noble Representatives, but to prostrate our knees at your Feet, and to throw our selves into your Arms, as those of our other Parent; humbly imploring, nay conjuring you by all that's Sacred, and by the Honour of the Scottish Name, that you would not suffer this antient and gallant Nation to be so much contemn'd and injur'd. We beg of you to consider how our Sovereignty and Freedom is violated, our laws trampled upon, and our Trade interrupted; how our Brethren have been starv'd and made Slaves, our Colony deserted, and our Ships burnt and lost abroad; whilst our Petitions have been rejected, our Company baffled, our People famish'd, our Metropolis burnt, and

and flames of Divisions kindled amongst us at home. We intreat you to consider, how they that ought in Kindness, nay in Gratitude, to have let us had Provisions for our Money, whilst they enjoy'd Plenty, and ought to have protected us with their Ships, since we are under one Sovereign, and have lost so many Men in their Service by Sea and Land, suffer'd us to die for want; and would not let us have the use of our own Frigates, that were built at our own Charge. We must beg you to take into your most serious Thoughts, how your own Authority hath been trod under foot, your Acts violated, your Address slighted, and the Company of your Establishment oppos'd and oppress'd. We pray you to remember, how Promises made you to advance our Trade have been broke, how those to our Company have been falsify'd, and how English Ministers have had private Orders to act contrary to those Promises. We beseech you to remember, how a Petition for delivering from Slavery, Gentlemen related to so many of your Families, &c. was slighted and oppos'd; how our Liberty of a National Petition for calling you together, most illustrious Representatives, to redress our National Grievances, was invaded and tradu'd; how your Meeting has been unreasonably adjourn'd from time to time, tho the blessing Honour and Interest of our Nation call'd aloud for a present Remedy.

We beg of you with Tears, as you tender the Honor and Welfare of this ancient Kingdom, to undeceive his Majesty, who by his Answer to our Commissioners seems to have been inform'd that your Sentiments, and those of the Nation express'd in our Petition, would not be the same.

We hope you will consider the Dishonour put upon your selves, by the effectual Answers given to the Addresses of a Neighbouring Parliament, whilst yours is unregarded; and that you will assert the Liberties of this injur'd Nation, against the Insolence and Oppressions of ungrateful Neighbours; and consider the noble Achievements of our Ancestors, in defence of our Freedom and Honour. May it never be said we are so much degenerated, as meanly to part with those Jewels, which they purchas'd for us with the Price of their Blood: And much less, that those who falsly reproach'd us with selling our King, should have just grounds to tell us that any of our Representatives sold our Country. Let not this Nation, that they could never conquer by their Swords, be ingloriously subdu'd by their Money.

We must leave it with you, most Noble Patriots, to take care that no such Judas's bring a perpetual Infamy upon the Parliaments of Scotland. May the very Aspect of your August Assembly prove their Bane; may it force them to confess their treasonable Crime in betraying our Blood and Honour; may they afterwards go to their deserved Place, and may their Posts be fill'd with honest Men.

We must in the last place humbly beseech you to prevent our being further impoverish'd and enslav'd, by a standing Army in time of Peace. We have the same Love for our Country that our Ancestors had, and are as willing to defend it as they without mercenary Troops. Let us all be arm'd and disciplin'd as they were, and then we shall soon make good our Motto of *Nemo me impune lacesset*. Our Forefathers did Wonders without standing Armies; and that we have not lost our Native Courage, is evident from what our undisciplin'd Men did both here and in Ireland since the Revolution.

Let not the Nation then, who formerly spread the Glory of their Arms all over Europe, be despoiled under the Bondage of a Foreign Court. Let not that Blood that formerly us'd to gather Laurels in the Field of Battel, and rais'd the Honour of our Country, be so prodigally spilt in the Quarrels of other Nations that make us such ungrateful Returns. May Heaven inspire your August Assembly with proper Methods to deliver us from being oppress'd at home and despis'd abroad. May you be bless'd to improve the present Opportunity of so doing, which if lost the like is not to be again expected; and as you have had the Honour to begin and advance our Deliverance, may you have the Glory to compleat it, and to render your Memory sacred to all succeeding Ages.

PART I.

SINCE our Nation bethought themselves of advancing their Trade, by the Act for establishing a Company Trading to *Africa* and the *Indies*, a greater Invasion hath been made upon our Sovereignty and Freedom, than hath happened at any time since we were ingloriously betray'd by *Baliol*.

'Twere needless to offer Instances to prove this, had we not to do with a Set of Men, who having basely betray'd us, would willingly bereave us of our Senses, that we should neither perceive nor resent it.

The Matters of Fact being notorious, we shall only mention them here with some short Reflections, and take them in order of time as follows.

The Addresses of both Houses of Parliament in *England* against our Act above mention'd, was such an Invasion, as to which it may be a proper Inquiry for our Parliament, whether those Addresses were not contriv'd and promoted by some about the King, as the last Address of the House of Lords was; and whether any Native of *Scotland* was concern'd in contriving or promoting the same.

In the next place it will appear, That the Parliament of *Scotland* has as much Right to signify to the King by Address or otherwise, that the said Addresses were contrary to the Law of Nations, and an Intrenchment upon the Sovereignty of *Scotland*, as the *English* Parliament had to present the said Address to him against our Act.

They that advis'd the King's Answer to the said Address, are guilty of such an Invasion; as to which it would seem that the Parliament of *Scotland* have as much Right to resolve, That whoever advis'd his Majesty to the said Answer, had done as much as in them lay to create a Misunderstanding betwixt him and his People of *Scotland*, as the Commons of *England* had to resolve so upon his Majesty's Answer to their Resolves about the *Irish* Forfeitures.

The Memorial given in to the Senate of *Hamburg*, April 7th, 1697. against our Company's making any Convention or Treaty with that City for promoting our Commerce, was such an Invasion. This may certainly be a just Cause of Inquiry to the Parliament of *Scotland*, whether the said Memorial was not a Breach of the Law of Nations, since the King of *England* has no Right to take cognizance of what is done by the Subjects of *Scotland* out of the Dominions of *England*. If the Action say he did it as King of *Scots*, let them produce their Authority.

In the next place they have Cause to inquire, whether the Assertion in that Memorial, that the Commissioners of our Company were no ways authoriz'd by his Majesty to make the said Treaties, was not false: And whether the said Memorial was not an actual dispensing with, and acting contrary to the Law establishing our Company, which empowers them to treat for, and to procure Exemptions and other Privileges as may be convenient for supporting, promoting and enlarging their Trade and Navigation from any Foreign Potentate or Prince whatsoever, in Amity with his Majesty.

It would also seem to be a proper Inquiry for the Parliament of *Scotland*, whether all the Damages the Company has sustain'd by the said Memorial, and other Opposition made them by the Court, ought not to be made good out of the Estates of those who gave his Majesty those Advices; and that in order thereunto his Majesty be address'd to know who they were, or else that he would be pleas'd to make good the said Damages some other way; for effecting of which stands oblig'd by the said Act, to interpose his Authority upon the Publick Charge.

Since in the Close of the said Memorial, his Majesty's Ministers threaten the *Hamburgers* with the Consequences of a breach of Friendship and good Correspondence with *England*, if they did not put a stop to the Proceedings of our Commissioners in that City; This, together with the before-mention'd Proceedings of the Parliament of *England*, gives the Parliament of *Scotland* a more just ground to address his Majesty to put a stop to those Intrenchments made by an *English* Faction.

Greater Invasions made on Scotland now than ever.

By the Addresses of the Parliament of England.

By the Advisers of the King's Answer to the same.

And by the Memorial at Hamburg.

Faction (for we don't charge it upon the whole Nation) upon the Sovereignty and Freedom of Scotland, than the English Parliament had to address his Majesty against our Act.

The Ministers that gave in the same could not do it in the Name of the King of Great Britain.

It may also deserve the Inquiry of the Parliament of Scotland, Why the King of England's Ministers should dare to have call'd themselves Ministers to the King of Great Britain in that Memorial, which was in direct opposition to a Scots Act of Parliament and Letters Patent granted by the King of Scotland: Since our Country is included in the Denomination of Great Britain, and that his Majesty, as King of Scots, neither did nor could give them any Authority to present that Memorial. This deserves their Inquiry so much the more, that by this means our own Authority and Name may always be made use of against our selves, as it was in this Case, if care be not taken to prevent it; and besides, it may in future Ages be made use of as an Argument by the English Historians, to prove that the Scots were subject to England, as their former Historians ignorantly made use of it as an Argument to prove the same thing, that some of their Kings were said to have commanded over all Britain, by which no more was meant but that part of it which was subject to the Romans, and secur'd against the Incurfions of the Scots by Adrian's or Severus's Walls.

The Scots Parliament ought to inquire,

That the Company's Address of June 28th 1697. complaining of that Memorial, and asserting like true Scotsmen their own Right, and those of the Nation against the Invasions of our Neighbours, should have no Answer from the King till the 2d day of August after, deserves also the Inquiry of our Parliament; but much more that his Majesty's Promise according to the said Answer was never fulfill'd, nor a Declaration to indemnify the Hamburgers against the said Memorial granted, by which the Company was so much injur'd, and the Independency of our Nation openly violated.

Why their Address was so far neglected.

Yet it's still more to be wonder'd at, and deserves our Parliament's most serious Inquiry, Why after so many repeated Addresses from the Company, and one from the Parliament it self July 22d 1698. our Nation should be so much condemn'd and injur'd, and the Authority of a Parliament, which had been so kind to his Majesty, so much tramp'd upon and undervalu'd, that the said Memorial was so far from being recall'd, that Mr. Stevenson, the Company's Agent, acquaints them in his Letter of the 4th of October, 'That the English there did constantly say, 'the Company would never be redress'd; and in his of the 18th of October following, 'That he understood by Mr. Cresset the English Envoy to the Court of Lunenburgh, that if the Memorial were yet to be given in, it would have been done; and that the said Cresset had private Orders to act quite contrary to 'our Company's Expectations. This was such a black piece of Treachery, and shews so much Contempt of our Nation, and such Rancour and Malice against it, that we cannot see how the Parliament can in Honour to themselves, and Honesty to the Kingdom which they represent, omit addressing his Majesty to discover the Authors of such pernicious Counsels, that they may be proceeded against according to the Law of Nations; or at least to make a Resolve, That the Authors and Abettors of such Counsels, if Scotsmen, are Traitors; and if Foreigners, are Enemies to the Kingdom of Scotland; and that the Company has a Right of Repital against them and their Supporters when discover'd. This may perhaps seem too severe, for which we shall make no other Apology; but if what follow'd upon the Company's representing this Information to the Lord Seafield be duly consider'd, it will appear that our Nation has no reason to be much softer in the Matter; for by that it is evident that Mr. Stevenson's Information was but too true, and that the same wicked Counsellors who had advis'd that Opposition, still obtain'd the Ascendant: What else is the meaning of the Lord Seafield's trifling Answer upon the receipt of the Company's Letter with Mr. Stevensons inclos'd? Could any Man think that a sufficient Answer, that he could not as yet expect an Opportunity of representing the Matter to the King, because he was so very much employ'd in the Affairs of his English Parliament? Had his Lordship forgot that he himself, as President of the Parliament of Scotland, had sign'd their Address to his Majesty to have this very Grievance remov'd, and did his Lordship think the Parliament of Scotland so very contemptible, that an Affair of theirs might not find room among the Affairs of the Parliament of England? Did his Lordship never know his Majesty go a hunting all that Season, and could not he have prevail'd with him to have allow'd a Hunting-day or two, to consider of an Affair wherein the Parliament of Scotland was so much concern'd? What pity 'tis his Lordship should not give our Parliament

J. S. —
trifling
with the
Scots Let-
ters.

an account whether this Answer was made by himself, or put into his mouth by somebody else, to paum a new delay upon our Company.

The Contempt put upon our Nation in this Affair is further demonstrable, from that continual Series of trifling with the Company, and their having no other Answer to those important Letters of theirs abovemention'd (tho they wrote another to *Seafield* to put him in mind of them, dated *January 13th*) till the *7th* of *February* following; and then he sends to them, 'that he was commanded by his Majesty to let them know that there being Accounts that the Ships belonging to the Company were arriv'd upon the Coast of *America*, and the particular Design not being communicated to his Majesty, he therefore delays giving Answer, till he receive certain Information of their Settlement.

Whoever advis'd his Majesty to deal thus by our Company, took as little care of his Honour as they did of our Welfare: Such evasive and disingenuous Answers in a private Person would have been call'd by very hard Names. What Consistency is there betwixt this Answer, and the Promise made by the two Secretaries, the 2d day of *August*, 1697. 'That he would order his Ministers at *Hamburg* and *Lunenburgh* not to make use of his Name and Authority for obstructing our Company in the Prosecution of their Trade with the Inhabitants of that City? This Promise was absolute, and the Court stands now charg'd by Mr. *Cresset*, with giving private Instructions contrary to this, and other publick Promises; yet tho his Majesty's Honour and the Interest of *Scotland* be so much concern'd, that the Scandal should be wip'd off by a speedy and punctual Performance of his Promise, here's a new delay put upon the Company, and a Promise which was absolute before, now made conditional a Year and a half after: and before they are to expect an Answer whether it shall be fulfill'd or not, his Majesty requires certain Information of the Colony's Settlement; as if those pernicious Counsellors who advis'd to this Conduct, could think this sufficient to absolve his Majesty from a Promise he had made so long before, to take off the stop he had put to their Subscriptions at *Hamburg*.

The King's Advisers to deal thus with them took no care of his Honour.

But that the pernicious Counsellors design'd this only as an Amusement and Delay, without any design that our Grievances should be redress'd, will appear by the Sequel: For after the Company had acquainted his Majesty with the Settlement of their Colony in the Terms of his own Act of Parliament, and that a very Loyal and Pertinent Address was also presented to his Majesty from the Colony it self; yet this Interdict lain upon our Subscriptions at *Hamburg* was never taken off to this day, tho the Company did again press it in their Letter to his Majesty, with an account of their Colony's Settlement: nor had they ever any Redress for Capt. *Long*, of the *Rupert Prize*, his traducing their Colony as a Company of Rogues, Vagabonds, and broken Officers, without any Commission from the King, and that his Majesty would not own them; all which makes it evident that there was nothing of Sincerity in the Conduct of those who were his Majesty's Counsellors, as to the Affairs of our Company.

They did it only for Amusement, and not to redress Grievances.

This will be still further evident from the Proclamations publish'd against our Colony in *Jamaica*, *Barbadoes*, and *New England*; which were not only treacherous o the highest degree, but such an Invasion upon the Sovereignty and Independency of our Nation, as ought not to be pass'd over by our Parliament without a Protestation against them, and a strict Inquiry after the Authors and Advisers of them.

Proclamations in Jamaica, &c.

That they are full of Treachery and Malice against our Country, is plain from their being emitted (as appears by their Dates) before ever any Complaint was made against us by the *Spaniards*, before we were heard what we could say in our own defence; and at the same time whilst our Lord President and Advocate were sent for from *Scotland*, to hear what they could say in Justification of our Colony's Settlement. The Treachery is also plainly demonstrable; because the said Proclamations were publish'd without consulting the Council of *Scotland*, and that they were contrary to the solemn Promises made by the Commissioners and Presidents in our Parliaments from time to time; wherein his Majesty promis'd to encourage and protect our Trade, of which these Proclamations are utterly subversive.

Are full of Treachery against the Scots.

If it be objected that his Majesty was oblig'd to publish those Proclamations out regard to the *English* Nation, and his Foreign Allies. We answer, that his Majesty by his Coronation-Oath, as King of *Scotland*, is oblig'd to govern us by our own Laws, and not by any Consideration of Foreign Interests: but admitting

Obj. They were publish'd out of regard to the English, &c.

that he ought in this Case to have given the Preference to the *English* Nation, and his Foreign Allies; it will by no means acquit the pernicious Counsellors of Treachery towards us, since the least they could have advis'd in this Case was, that we should have had notice of such Proclamations before-hand, that we might have been upon our Guard, and have done what we could to have prevented our Colony's being frighten'd or starv'd from *Darien*; the omitting of which alone, had there been nothing of an actual concurrence to destroy us, makes those Counsellors chargeable with the Blood of our Men, the Loss of our Treasure, and the Disappointment of the just Expectation we had from that Expedition.

Were an Intrenchment on the Scots Sovereignty.

That the publishing of those Proclamations was an unsufferable Intrenchment upon the Sovereignty and Independency of our Nation, is undeniable, since thereby the King of *England* takes upon himself to condemn the Subjects of *Scotland* as Invaders of the Dominions of *Spain*, and thereupon forbids his *English* Subjects to have any Correspondence with them, or to supply them with any Necessaries, which by the Law of Nations must be interpreted an Act of Hostility, when done by one Nation to another.

That this being done by the King of *England* is an Invasion upon the Sovereignty of *Scotland*, is evident, because he hath no right neither as a Liege-Sovereign, nor Conqueror, to judge of our Actions. If he did it as King of *Scots*, then it concerns our Parliament to inquire by what Law he could do it without their Consent, or what *Scotsmen* advis'd him so to do; and whether it be true what Mr. *Vernon* said, That it was done with the Lord S——'s Privacy and Consent.

Were full of Treachery against the Scots.

That the emitting of those Proclamations was a deliberate Action of the pernicious Counsellors, and full of Malice and Treachery against the Kingdom of *Scotland*, appears further, from the publishing a Second Proclamation, Sept. 5. 1699. at *Barbadoes*, against entertaining any Correspondence with the *Scots* at *Darien*; tho the Lord President and Advocate had so long before given in sufficient Reasons to justify our Settlement. This will appear yet more plainly, if the Tenor of that Proclamation be consider'd, which is not so positive as that at *Jamaica*, in condemning our Settlement at *Darien*, as contrary to the Peace with his Majesty's Allies, but is express'd doubtfully; 'Left the same should derogate from the Treaties his Majesty hath entred into with the Crown of *Spain*, or be otherwise prejudicial to any of his Majesty's Colonies in the *West-Indies*. Whence it is evident that we have a positive Injury done us, tho the Court could not be positive, but only suppos'd that our Settlement might derogate from his Majesty's Treaties with *Spain*, or be prejudicial to his Majesty's Colonies in the *West-Indies*. The Authors of this Proclamation knew well enough the state of our Colony's Provisions, and how fatal those Proclamations would be to them; and therefore no Art can palliate their Malice and Treachery.

And to ruin in their Colony.

That the said Proclamations were emitted with a design to ruin our Colony, is demonstrable from this, That tho our Company upon the dismal News of its Disaster, did in a very dutiful manner petition his Majesty, 'put him in mind of the several Acts of Parliament, and his Letters Patent, authorising the Natives of this Kingdom to settle Plantations in *Asia*, *Africa* and *America*; upon the Faith and Encouragement of which they form'd themselves into a Company, and had made a Settlement at *Darien*, precisely according to the Terms of the said Acts and Letters Patent; at the same time informing him, That they had but too much reason to believe that the said Proclamations had been of fatal Consequence to our Company and Colony; desiring that the effect of the Proclamations might be taken off, and that they might be supply'd from the *English* Plantations in the ordinary way of Commerce. Yet notwithstanding all this Application, they had a mere trifling Answer return'd them, and couch'd in such ambiguous Terms as might leave room for farther trifling, viz. That we should have the same freedom of Trade and Commerce with the *English* Plantations as ever we had formerly; which was just none at all. So that this was nothing but a mere Evasion, and no direct Answer to our Company's necessary and reasonable Petition.

Certainly it concerns our Parliament to inquire who were the Authors of the scandalous Breach of Publick Laws, upon the Faith of which our Country ventur'd so much to Sea, and by the Violation of which in such a manner the Sovereignty of our Nation is trampled under foot, and we have lost so much Blood and Treasure.

The Malice of these pernicious Counsellors against our Country and Colony, is further display'd by their doing all that's possible to preclude us from having our Grievances redress'd; we have in vain petition'd the Court ever since the last Sessions of Parliament, and therefore had no way left us but to petition that the Parliament may meet again at the day appointed in November next, that his Majesty may have the Advice and Assistance of the Great Council of this Nation in such a weighty and general Concern. This those blessed Counsellors are so far from thinking fit to be granted, that they advise his Majesty to adjourn our Parliament farther till the 5th of March following, just when they heard this Petition was coming up: and at the same time we are told, his Majesty will order the Parliament to meet when he judg'd the Good of the Nation did require it; as if any could be better Judges than the Nation it self, which groan'd under Oppressions, and knew no other way of being deliver'd from them; or, as if the Advice of the Council General of our Company, wherein the Flower of our Nobility and Gentry, and a great number of the Members of our Parliament are included, were not more proper to give his Majesty advice in this Matter, than an English and Dutch faction, mixt with some Scotchmen, who have so little Interest in their Country, or Affection for it, as to betray it for Bread, or the Favour of the Court. Thus the Honour and Interest of our Country are still trampled upon.

These Evil Counsellors endeavour to have our Grievances redress'd.

Tho those continu'd Sights and Marks of Contempt were enough to have wearied our Company out, and might justly have provok'd the Nation to have taken other Measures; yet the Company out of their Zeal to the Publick Welfare, continue their Applications to his Majesty, and send up an Address to him by the Lord Basil Hamilton; wherein they acquaint his Majesty, 'that Capt. Pincarton, Commander of their Ship the *Dolphin*, being forc'd ashore under the Walls of *Carthagena*, to avoid Shipwrack, was with all his Company, some of them Gentlemen belonging to the best Families of the Nation, detain'd Prisoners, and inhumanely us'd, contrary to the Treaties between the Crowns of Spain and Great Britain: and that the Colony had, in the Name of his Majesty and the Company, sent to demand them; but instead of having it granted, their Messenger was threatned to be put in Chains, and not allow'd to see any of the said Prisoners. And therefore they thought themselves bound in Duty and Conscience to lay their deplorable Case before his Majesty, and for that end commission'd the Lord Basil Hamilton, one of their Number, to present their Address to his Majesty, and to give him a further Account of their other Affairs; not doubting but his Majesty would take speedy and effectual Measures for redressing their Damage, and obtaining the Freedom of those distressed Prisoners.

Lord Basil Hamilton sent by the Scots Company to the King with an Address.

Tho this Address, and the Calamities which our Nation at home and Colony broad labour'd under, might one would have thought force Compassion and speedy Relief from the Breast of a generous Enemy; yet such is the continu'd prevalence of the pernicious Counsellors, that the accepting of this Address is put off, and in consequence the Redress of our Grievances, and the Relief of those wretched gentlemen and others delay'd, on a trifling and frivolous Pretext, 'That the Lord Basil Hamilton had not waited upon his Majesty, when formerly at London, had never since given any publick Evidence of his Loyalty, nor acknowledg'd his Majesty's Government. This was above a month after the Address was sign'd, and must needs be taken, as the Company themselves rightly understood it, to be a manifestation of his Majesty's Displeasure at the Commission it self, which my Lord Basil brought up: There being no Prince in Europe, but would with open Arms embrace a Subject of my Lord Basil Hamilton's Quality and Character, upon his return to his Duty, and presenting an Address that own'd his Majesty's Title and Government (if he had ever acted against it) but much more a Person of his high Birth and Merit, who was never charg'd with any thing inconsistent with the Duty of a Loyal and Peaceable Subject.

Which was delay'd to be receiv'd.

It would seem then to be incumbent upon the Parliament of Scotland, to inquire who they were that advis'd his Majesty to delay his Endeavours, which by Law he was oblig'd to exert, for obtaining the Liberty of Capt. Pincarton and his Company, and the Restitution of his Ship and Goods, tho the Company had never distress'd him upon that Head: It would, we say, seem to be incumbent upon the Parliament to inquire who it was that advis'd to the dispensing with a positive Law, because the Commissioner who presented that Address, had neglected a Ceremony which he was by no Law oblig'd to perform. If the Nation of Scotland is become so contemptible that its Rights must be neglected; and if the Blood of our

The unjustness of such a Delay.

Illustrious Nobility and Gallant Gentry be now so vile, that the omission of a mere Ceremony is thought sufficient Cause to connive at Hostilities committed upon our People, and to suffer Gentlemen related to the best Families of the Kingdom to perish in infamous Slavery; it's in vain for us to pretend to be a Free Nation. If we cannot have such Injuries redress'd, we had as good send our Coronation-Oath and Claim of Right to his Majesty of *England* as a Present, and tell him, that henceforward we will become his most obedient Slaves and Vassals, and will hang our selves whenever he shall be graciously pleas'd to send us a Letter and Bowstring for that end.

Obj. That he should have presented it in Writing by the Secretaries.

Some we know will object, that his Majesty did not refuse to receive the Petition, tho he would not allow my Lord *Basil* to present it, and promis'd to receive Information of what is demanded from his Secretaries; and if my Lord *Basil* would give in Writing to them what he had to represent, his Majesty would give his Answer to the Company.

To which we can readily answer, That this is the direct Path to the Tyranny of the late Reigns, which order'd, that no Petition should be presented to the King but by his Council: If his Majesty must appoint who shall deliver the Petition, it's all one as if he should dictate the Petition too. We would wish the pernicious Counsellors to consider how they will reconcile this to that Claim of Right, and what an Answer they will be able to give our Parliament, if they think fit to tell them, that his Majesty's beloved Secretary had formerly neglected delivering the Company's Petition, on pretence that they had not an opportunity of doing it, because his Majesty was so much taken up with the Affairs of his *English* Parliament; and therefore they had no reason to intrust him with any more Petitions.

The Delay proceeded from a Design to ruin the Company intirely.

Besides, it is visible that this Delay proceeded merely from a Design to ruin our Company intirely. It is known to the World how much they suffer'd in their Reputation and Interest by the Disaster of their Colony, which nothing in probability could retrieve, without the Countenance and Concurrence of his Majesty and Parliament; this the Enemies of our Nation were sensible of, and therefore take such Measures as procure us all possible Marks of his Majesty's Displeasure, and an obstinate refusal of a Parliament. By this Opposition they had little reason to doubt, that we should be so baulk'd in the Prosecution of our *American* Design, as utterly to abandon it, when we saw the Court resolv'd to thwart us in every thing relating to it, and so unmerciful as to delay procuring the Liberty of so many Gentlemen that were detain'd Prisoners, and cruelly us'd, contrary to the Law of Nations.

From all which it necessarily results, that it's incumbent upon the Parliament of *Scotland* to enter a Protest against this continued Violation of their Laws and Authority, and to inquire who they are that gave his Majesty such Counsel, that they may be punish'd according to Demerit.

His Majesty's Answer to the Lord Basil's Address.

We come next to consider his Majesty's Answer to the Contents of the Address brought up by my Ld *Basil Hamilton*, viz. "That he was resolv'd, in the Terms of the Treaty, to demand that Capt. *Pincarton*, and those of his Crew who are detain'd Prisoners at *Carthage*, be releas'd and set at Liberty. That the Subjects of *Scotland* shall be allow'd the same Liberty of Trade that others enjoy with the *English* Plantations; that it was his Resolution to promote and advance the Trade of the Kingdom: And the three Frigats they demand, having been given by Parliament for guarding the Trade of the Coasts, he was not resolv'd to dispose of them till he had the Advice of his Parliament.

Pincarton, &c. were detain'd by the Spaniards contrary to the Treaty.

By this his Majesty owns that Capt. *Pincarton* and his Crew were detain'd Prisoners by the Spaniards contrary to the Treaty. Then what can his Counsellors in *Scots* Affairs say for their not having advis'd his Majesty to demand him sooner, especially since he was oblig'd to it by the Act establishing our Company? Had the Zeal of those Counsellors, who pretend to be concern'd for the Welfare and Honour of our Nation, been equal to the Malice of those that advis'd his Majesty to issue Proclamations against our Colony in the *West-Indies*, before he knew whether we had done any thing in contravention to his Treaties with *Spain*, or not, they would certainly have put him upon demanding Satisfaction sooner for a manifest Breach of those Treaties. This we conceive deserves also the Consideration of our Parliament.

In the next place, by his Majesty's Promise that we should have the same Liberty of Trade that others enjoy with the *English* Plantations, it is own'd by the Advisers of it, that it was in his Majesty's Power so to do, and that he might lawfully do so; which is a plain Confession that we had acted nothing contrary to his Treaties with *Spain*, nor to the Detriment of his *English* Plantations, and that the former Prohibition was the Act and Deed of those pernicious Counsellors: for had it been contrary to the Laws of *England*, or Treaties betwixt the Crowns of *Great Britain* and *Spain*, that our Colonies should be supply'd with Provisions, &c. from the *English* Plantations, it had not been in his Majesty's Power to dispense with it now. The Matter then being so, it concerns the Parliament of *Scotland* to inquire who they were, and upon what Motives they advis'd his Majesty to emit those Proclamations against supplying our Colony with Provisions, &c. since it was settled in the precise Terms of the Act of his *Scots* Parliament, and his own Letters Patent; and that our Colony had done nothing contrary to his Treaties with *Spain*, or to the Interest of his *English* Plantations. At the same time it may be proper for them to inquire why Capt. *Pincarton* and his Company, as also the Ship and Goods, are not restor'd all this while; and whether the Promise of demanding them from *Spain* hath not been as ill perform'd, as was that of recalling the Memorial at *Hamburg*.

His Majesty may give the Scots equal Privileges of Trade with others.

As to his Majesty's Promise of our having the same Liberty of Trade to the *English* Plantations as others have, it is worth the while to observe the management of the pernicious Counsellors in this Point. It would seem they were sensible that his Majesty's Promise, if perform'd, might be of advantage to our Colony, and would make shew to the World, that he really countenanc'd our Undertaking, and by consequence oblige those that oppose us to greater Precautions; and therefore tho this Promise was made us to calm the Spirits of our People, whom they knew to be in a general Ferment, they were resolv'd it should never be perform'd: but how to bring his Majesty handsomly off was their next Inquiry. This they found a Method to do, by endeavouring to have the Parliament of *England* approve what his Majesty had done against our Company and Colony, and they thought, no doubt, his Majesty would be sufficiently absolv'd, and the Mouths of our Nation for ever stop'd, as having neither Courage nor Power to call the Kingdom of *England* to an Account.

The Design of some to frustrate his Majesty's Promise to the Scots.

This was in vain attempted upon the House of Commons, but carry'd at last in the House of Lords, *vis & modis*, yet not without a Protestation against it, and several sharp Speeches inveighing against the Courtiers, who had promis'd that very thing to the *Scots*, against which they were then soliciting the House to address his Majesty.

The Address it self we shall view anon, after some farther Considerations on his Majesty's Promise to our Company, as to the three Frigates they demanded; which, he says, because they were given by the Parliament for guarding the Trade of the Coast, he is resolv'd not to dispose of till he have the Advice of our Parliament. It is certainly an essential part of our Constitution, for a King of *Scots* to advise with his Parliament; Why then was not the Parliament summon'd to meet speedily at the Company's desire, since the Honour and Interest of our Kingdom requir'd it? And we would willingly know of those that advise his Majesty in *Scots* Affairs, whether they think the Parliament meant those Ships, when the Peace had rendred the guarding our Coasts unnecessary, should be deny'd for guarding the Trade of the Nation, and the Coasts of our new Settlement at *Caledonia*. And in the next place we would willingly know of them, why the granting of this necessary demand should be defer'd till the Parliament can be advis'd with concerning it, since the granting of it, in all common Interpretation, must be suppos'd to be according to their Act; and why their Advice was not also staid for, or desir'd, before the emitting the Proclamations against our Colony in the *West-Indies*. This is certainly worth our Parliament's inquiring into. For 'tis not to be suppos'd that they entrust our Kings to do whatever pernicious Counsellors advise them to, against the Interest of the Nation, and only to delay doing what is visibly for its Advantage, till they have the Consent of Parliament. Upon the whole, it is demonstrable beyond contradiction, that they who have his Majesty's Ear as to *Scots* Affairs, and by whose Advice he has govern'd himself as to our Kingdom, design'd no good to our Company, Colony, or Country; otherwise such reasonable Requests as they have from time to time desir'd of his Majesty, could not have been refus'd as they have constantly been, in manifest violation of our Laws, and to the irreparable disgrace of our Nation.

The Frigates for guarding the Scots Trade.

This

The Proclamation against the Scots Petitioning for a Parliament contrary to the Claim of Right.

This will appear convincingly to those that consider the Proclamation issued in Scotland by his Majesty's Order, against carrying on a National Petition for a Parliament, in order to redress our Grievances as to *Darien*, &c. The frivolous Pretext of the pernicious Counsellors, that the same was promoted by Persons who had given no proofs of their Affections to the Government; and that they endeavour'd to charge the Mis carriage of the *Darien* Colony, upon Proclamations publish'd against their having any Supplies from the *English West-Indies*, whereas it was chargeable upon other Causes: this frivolous Pretext, we say, is so very thin, that it may easily be seen thro, and was contriv'd on purpose to draw a Veil over the manifest Injustice of this Proclamation, so diametrically opposite to the Claim of Right, on which his Majesty accepted the Crown, wherein it is expressly declar'd, *That it is the Right of the Subject to petition the King, and that all Prosecutions and Imprisonments for such Petitioning, are and were contrary to Law.* Here is no exception made of Subjects that have not given proofs of their Affection to the Government. It is sufficient if they be Subjects; so certainly Petitioning in it self infers an owning of the Government: but admit it were so, that the said Petition was promoted by such, must the whole Nation, when injur'd in its Honour and Interest, be denied the liberty of Petitioning for a Redress of their Grievances, because Persons that are not well-affected to the Government, when they suffer in the common Loss of their Country, and likewise in their own personal Property, are willing to concur with them, and to promote such a Petition? This is Doctrine fit for *Turky*, or for *France*; and indeed not digestable there, much less to be obtruded upon us. But the Truth of the Matter is this, the mischievous Counsellors were not willing the Nation should be acquainted with the Treatment they had met with by their means, and therefore did not care to hear of a National Application for a Redress.

But did those Gentlemen think we would take their word for it, that the Mis carriage of our Colony was not chargeable upon their *West-India* Proclamations; since they know they never yet suffer'd his Majesty to keep his Word to us, as is but too too evident from the *Hamburg* Memorial, the said Proclamations, and other steps of Opposition made to our Company contrary to express Law? Was it not reasonable then, that we should desire a Parliament to inquire into the Matter, and examine whether the Company's Charge be true or false? Or when the Practices of pernicious Counsellors give the Company just Cause to complain of Grievances, must they not petition for a Redress, because some ill Men may perhaps improve it against the Government? We hope our Parliament will think it worth their while to inquire, whether they that gave the occasion for such a Petition, or those that make such a Petition, be most culpable.

Petitioning for a Parliament no Invasion of the Prerogative.

Ay, but says the Faction, such Petitioning is an Invasion of his Majesty's Prerogative, it being he only who is to call a Parliament. To which we answer, That the Claim of Right sets bounds to his Prerogative, beyond which he is not to go, since upon those Terms he accepted our Crown; and that Claim having reserv'd to the Subject the Right of petitioning, the Denial of it is an Invasion of their Property. And besides, tho his Majesty only is to call a Parliament, it's not left absolutely or solely at his Disposal when: By the Claim of Right he is oblig'd for the Redress of Grievances to call them frequently, and to allow them to sit. So that the denying of the Parliament's Meeting, and adjourning them from time to time, as in the present Case, when the whole Nation complains of their Grievances in relation to their Colony, is another manifest Infraction upon the Claim of Right, which our Parliament is concern'd to inquire into the Authors of, that they may be punish'd; otherwise our Claim of Right will by degrees come to be of no more use to us than an Almanack out of date.

We come now to the Address of the House of Lords in *England*, concerning our Colony at *Darien*, which we think convenient to insert here at large.

London, February 13.

Yesterday his Majesty receiv'd the following Address from the House of Lords.

The Lords Address concerning the Scots Colony.

WE the Lords Spiritual and Temporal in Parliament assembled, being, according to our Duty, solicitous for the Preservation and Increase of the Trade of this Kingdom, on which the Support of your Majesty's Greatness and Honour so much depends, as well as the Security and Defence of your People, hav

have been very apprehensive, that the steps lately made towards a Settlement of your Subjects of the Kingdom of Scotland at *Darien*, may tend to the great prejudice of this Nation, and possibly to the disturbance of that Peace and good Correspondence with the Crown of *Spain*, which we conceive is very advantageous to us all: We have therefore taken the same into our serious Consideration, as a Matter of the greatest Importance, and proper to be laid before your Majesty, as the common Father of both Countries. And as we are truly sensible of great Losses our Neighbour Kingdom hath sustain'd, both by Men and Treasure, in their Expeditions to that place, which we very heartily lament; so we should not endeavour by any Interposition of ours, to defeat the Hopes they may still entertain of recovering those Losses by their further engaging in that Design, but that we judg such a Prosecution on their Parts must end not only in far greater Disappointments to themselves, but at the same time prove very inconvenient to the Trade and Quiet of this Kingdom.

On this occasion we humbly presume to put your Majesty in mind of the Address of both Houses of Parliament, presented to your Majesty on the 17th of December, 1695. in the close of which Address your Majesty will see the unanimous Sense of this Kingdom in relation to any Settlement the Scots might make in the *West-Indies*, by virtue of an Act of Parliament past about that time in the Kingdom of Scotland, which was the occasion of the said Address.

And we humbly represent to your Majesty, that having receiv'd Information of some Orders your Majesty had sent to the Governors of the Plantations on this Subject, the House did, on the 18th of January last, come to this Resolution, That your Majesty's Pleasure signify'd to the Governors of the Plantations, in relation to the Scotch Settlement at *Darien*, was agreeable to the Address of both Houses of Parliament, presented to your Majesty on the 17th of December, 1695.

And on the 8th of this instant February, this House came to this further Resolution, That the Settlement of the Scots Colony at *Darien* is inconsistent with the Good of the Plantation Trade of this Kingdom.

All which we humbly hope your Majesty will take into your Royal Consideration; and we are confident that your Majesty cannot be thought too partial to the Address of this House, if your Majesty shall in the first place consider the Advantage and Good of the Trade of this Kingdom, by the Preservation and Improvement of which, both these Kingdoms, and all your other Dominions, must on all occasions principally be defended.

If this Address be not a manifest Invasion of our Sovereignty and Independency, ever any thing was; and therefore 'tis to be hop'd our Parliament, against whose act they have so expressly declar'd themselves, will protest against this Address, and declare it to be an Invasion of our Freedom, and such an Interposition in our Affairs is inconsistent with the Sovereignty and Independency of Scotland. We have already taken notice that this Address was the Procurement of the Court, which Jews how fraudulently the pernicious Counsellors have all along acted with us, and what our Nation is to expect so long as we are govern'd by such Advice. But come to the Address it self.

Which is an Invasion of the Scots Sovereignty.

It is evident that the natural Tendency of it is to render our Kingdom subject to that of England, and a plain Declaration against our Settlement at *Darien*, or any place in the *West-Indies*.

To subject it to England,

It is also plain from this Address, that they presented it on purpose to defeat the Hopes that we might still entertain of recovering our Losses, by further engaging in that Design; and that they have taken upon themselves the Loss of the Blood and Treasure which we have sustain'd in the *West Indies*, by declaring that his Majesty's Pleasure, signify'd to the Governors of the Plantations in relation to our Settlement at *Darien*, was agreeable to the Address of both Houses of Parliament, on the 17th of December, 1695. It's observable also, that by this Address the Lords take upon them to say the Commons are of the same mind with themselves; which since the Commons seem to comply with by their Silence, wants very little a formal Declaration of both Houses against our Trading either in the *East* or *West Indies*.

And to defeat the Hopes of recovering their Losses.

It is also evident from this Address, that they demand his Majesty should prefer the Advantage of their Trade to ours. From all which together it's demonstrable, that they have no more to do but to alledg any branch of our Trade they please to be

be inconsistent with, and disadvantageous to theirs; and so may at last deprive us of our whole Trade; since those who are his Majesty's Counsellors in our Affairs think it sufficient it seems to absolve him from his Coronation Oath to us, or any other Obligation he is under to govern us according to our own Laws, if what he does against our Interest and Honour be but agreeable to the mind of his Parliament of England.

These things make it evident beyond Contradiction, that except some speedy Redress be had, 'Not only our Company, but all other individual Merchants of this Kingdom, must from henceforward conclude, that all their Rights and Freedom of Trade are and may be further violently wrested out of our Hands by our Neighbours: As our Company well expresses it in their Address to his Majesty,

June 28. 1697.

By those barefaced and avowed Methods, the Conjecture of our Company, in their Address to the Council of Scotland in Decemb. 22. 1697. hath been also too much verify'd, viz. 'That if effectual means were not taken for putting an early stop to such an open and violent Infringement of so solemn a Constitution, it's hard to guess how far it may in After-ages be made use of as a Precedent, for invading and overthrowing even the very fundamental Rights, natural Liberties, and indisputable Independency of this Kingdom, which by the now open and frequent Practices of our unkind Neighbours seem to be too shrewdly pointed at, and give cause of Apprehensions and Jealousies, not only to our Company in particular, but even to the whole Body of the Nation in general. It is no less evident by those Proceedings, that the Authority and Credit of our Parliament is struck at thro our Company's Sides: As the Company likewise truly express'd it, in their Address to the Parliament, July 22. 1698.

And from this Address they may as well foresee that they are to expect all the Opposition from the Faction that can be, as they formerly predicted but too truly in their Address to the Parliament — 'That their Enemies would either directly or indirectly pursue their Designs of ruining all their Measures. For we may assure our selves that those Persons about his Majesty, who were so officious to procure Proclamations against our Colony (when there was no such Address to countenance their Proceedings) will not be wanting to press his Majesty to oppose us to the utmost, since they have been at so much pains to procure this Address, tho at the expence of his Majesty's Reputation; who had promis'd us the contrary. This is but too evident from the Advices we have already receiv'd, that the Captain of the Sloop who brought two of our Colony from *Darien* to *Jamaica*, since our repossessing our selves of it, was imprison'd there, and his Vessel seiz'd on that account.

We come next to the Causes they assign for this Address, viz. That our Settlement may occasion a breach of the Peace between them and Spain, and be prejudicial to their Plantation-Trade.

The first they use no Cause to fear, since there is no Offensive and Defensive League 'twixt us and England, that we are a distinct and independent Nation, and that they have sufficiently declar'd their Opposition to our Settlement, to the Loss of our Blood and Treasure. The second is frivolous, and against the Law of Nations, since every free and independent Kingdom has a Right to seek their own Advantage, without any regard to the Interest of another, as much as two Free-men of the same Employment have a Right to set up a Shop in the same Street, or next Door to one another, if they find their account in it. If it were otherwise, the English have as much right to oppose the old French Settlements in the *West-Indies*, and their new one at *Mississipi*, as they have to oppose ours. So that their Proceedings against us in this matter is a piece of the blackest Injustice that one Nation can be guilty of towards another: And we wonder very much at it, since some of their Council of Trade, who are amongst the Chief of those that advise to this way of proceeding against us, seem to place all their hopes of Heaven upon Justice 'twixt Man and Man, and yet seem to have no sense of Justice betwixt Nation and Nation.

We come next to consider his Majesty's Answer,

The Scots Settlement will not cause a Breach of Peace, nor be prejudicial to the Plantation Trade.

His Majesty's most Gracious Answer to the Address was to this effect, viz.

HIS Majesty having receiv'd a very dutiful Address from the House of Peers, *The King's Answer to the Lords Address.* in relation to the Endeavours lately us'd by some of his Majesty's Subjects of the Kingdom of *Scotland*, towards making a Settlement at *Darien*, in which they humbly represent to him their Opinion, that such a Settlement is inconsistent with the good of the Plantation-Trade of this Kingdom; Is pleas'd to let the House know, That he will always have a very great regard to their Opinion; and to assure them, that he will never be wanting, by all proper means, to promote the Advantage and Good of the Trade of *England*. At the same time his Majesty is pleas'd to declare, that he cannot but have a great Concern and Tenderness for his Kingdom of *Scotland*, and a desire to advance their Welfare and Prosperity, and is very sensibly touch'd with the Loss his Subjects of that Kingdom have sustain'd by their late unhappy Expeditions, in order to a Settlement at *Darien*. His Majesty does apprehend that Difficulties may too often arise with respect to the different Interest of Trade, between his two Kingdoms, unless some way be found out to unite them more nearly and completely: And therefore his Majesty takes this Opportunity of putting the House of Peers in mind of what he recommended to his Parliament, soon after his Accession to the Throne, That they would consider of an Union between the two Kingdoms. His Majesty is of Opinion, That nothing would more contribute to the Security and Happiness of both Kingdoms, and is inclin'd to hope, that after they have liv'd near an hundred Years under the same Head, some happy Expedient may be found for making them one People, in case a Treaty were set on foot for that purpose; and therefore he does very earnestly recommend this Matter to the Consideration of the House.

This Answer is indeed something more like the Answer of a King of *Scots*, than that to the Address of both Houses, of the 17th of December, 1695. Yet the management of our Friends, his Majesty's Counsellors in *Scots* Affairs, is still obvious to our view, in this Answer; the Transports of Joy they were fill'd with upon the receipt of the Lord's Address, discovers it self by visible Ebullitions in the very first Line, *His Majesty having receiv'd a very dutiful Address.* What pity 'twas that new Patents of Honour were not sent to every one of those Lords that were for this dutiful Address. But when it comes to be weigh'd in a *Scots* Balance, it appears to be undutiful to the highest degree: 1. Because they take upon them to advise his Majesty to act contrary to what he had promis'd to the *Scots*. And, 2. Because instead of owning him as an independent Sovereign of *Scotland*, they treat him like their Vassal, as he is King of *Scots*, by pretending to direct him in the Affairs of our Nation, where they have nothing to do; and that also in opposition to the Sentiments of the Parliament of *Scotland*, who must rationally be suppos'd to understand the Interest of our Nation better, and to consult it more, than they either can or will do.

Certainly they must have a very mean Opinion of the Wisdom of our Nation, if they think we can be gull'd with their pretending to be sorry for our great Loss of Men and Treasure; when at the same time they charge themselves with advising to those Measures which occasion'd the Loss of both, and indirectly threaten us (for we cannot interpret it otherwise) with far greater Disappointments in the Prosecution of our Design: for justification of which they have already form'd their Declaration, viz. That our Settlement at *Darien* is greatly prejudicial to their Nation, and disturbs their Peace with *Spain*, when all this while the *Spaniards* have never offer'd to make the least Reprizal upon them for it, whereas they have committed actual Hostilities upon us.

His Majesty's declaring that he cannot but have a great Concern and Tenderness for his Kingdom of *Scotland*, and a desire to advance our Welfare and Prosperity, discovers a paternal Affection to us; but considering how he is circumstantiated, is like to be of as little use to our Nation, as the Affection of a natural Father to his own Children, for whom he dares not do any good Office, because of a curs'd ill-natur'd Stepmother, that has him at Command. Thus his Majesty was graciously pleas'd to grant us an Act for encouraging and promoting our Trade, but by the malice of our Enemies, who have him in their hands, was forc'd to counteract it: thus he has been pleas'd again to promise our Colony the same Liberty of Trade that

that others have to the *English* Plantations, but must be forc'd to recal his Word, or at least to be worse than his Promise, because he is told that the Sense of both his Houses of Parliament in *England* is against it. To these straits those pernicious Counsellors have reduc'd his Majesty: for tho the Faction will promise to support him in acting contrary to Law, and his Coronation-Oath, against us; yet they will not suffer him to do any thing against what they are pleas'd to call the Interest of *England*; but he is in danger of being lop'd off or abdicated. They will not allow us to complain of our Kings when misled by ill Counsel, or to say, that by our antient Constitution they were accountable to their Parliaments for Maladministration, but strait they will burn our Books as false, scandalous and traitorous; yet they themselves fly in the Face of their Prince every day, suffer his Administration to be tamely libel'd, and his Person reflected on, in all their Pamphlets against a Standing Army: they will tell him to his Face, that they who advis'd him to the *Irish* Grants, had not consulted his Honour; and that they who advis'd him to such and such Answers, had done as much as in them lay to create a Misunderstanding betwixt him and his People. If we quote our Historians, or Laws, for asserting that the Supreme Power of our Government resid'd formerly in the States, who could dispose of the Lives and Fortunes of our Princes, they strait condemn it as traitorous; but at the same time they quietly suffer Books to be published, asserting their own Power of doing so by their Kings, and justify the cutting off of King *Charles the First*, as *Milton's Works*, and others. If their own Kings dispense with their Laws, and invade the Rights of their Church, they kick them from their Thrones, and then tell the World they have abdicated; yet at the same time they support them in acting arbitrarily, and contrary to Law against us; and tell them that in so doing, they act according to the Sense of both Houses. If we complain of Injuries done us, and Affronts put upon us by a Faction of theirs, in conjunction with some ill Men of our own, straitway we are accus'd of reflecting upon the Honour of both Nations, and endeavouring to stir up War and Sedition, and Proclamations are issu'd, offering 500*l.* for discovering the Authors of such Complaints; yet at the same time they suffer us to be libel'd, rail'd upon, villify'd and bely'd, and God himself and the Holy Scriptures blasphem'd in villanous Pamphlets, without taking the least notice of it. Thus in a scurrilous Pamphlet, call'd, *A History of Darien*, we are banter'd and laugh'd at with romantick and foppish Stories: In the *Defence of the Scots abdicating Darien*, the Honour of our Nation is outrag'd, our Company bely'd, and Religion blasphem'd; yet the Author rewarded and caress'd by Mr. *V—n*, now a Minister of State, but formerly a Licensor of Books, for taking off the Penal Laws, and overturning the Protestant Religion. In a villanous Lampoon, call'd, *The Pedlar turn'd Merchant*, we are expos'd to publick Ridicule and Contempt, without any Animadversion upon Authors or Publishers. Nor had any of our own Secretaries of State the Courage to take any Course with those Libellers, or to complain of them, tho Application was made to them for that end. But if any thing be wrote to vindicate our Nation from such foul Calumnies, a greater Reward is offer'd for discovering the Authors, than was offer'd for apprehending some of the Regicides: Proclamations are publish'd with more Zeal and Virulency for that end, than against Popish Priests and Jesuits, who by their Principles and Practices destroy Mens Souls and Bodies. What eagerness did our Enemies at Court evidence, in prosecuting Booksellers for the *Inquiry into the Causes of our Colony's Miscarrying at Darien*? What Pains and Expence to find out the very Porters that carry'd the Books about? What illegal and barbarous Treatments and Threats did they make use of to a poor Fellow taken up on Suspicion on that account, keeping him close Prisoner for a Week without any Oath against him, when his Wife lay in in Child-bed, and his Family at the same time in a starving Condition, having nothing else but his Labour to depend on? With what Fury and Heat did they prosecute some People in *Ireland*, for but reading it in publick? And what Pains and Expence were they at to bring over a *Scots* Book-seller from thence to witness against another *Scots* Book-seller in *London*, that he had sent him a parcel of those Books? What care to have extravagant Bail from that *London* Book-seller and others? and what Threats to ruin that *Dublin* Book-seller, if he would not, contrary to Conscience and Knowledge, swear against the *Scots* Book-seller in *London*? and at the same time did not prosecute *English* Book-sellers that were taken up for actually selling the Books. And what Pains and Expence were they at to discover the Author, tho they had all the Reason in the World to think that he was not within the Jurisdiction of *England*? and yet at the

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same time they suffer our Nation to be daily abus'd and ridicul'd *impune*. These things are so plain and notorious, that the Faction cannot but think the World takes notice of them, and curses their scandalous Partiality from their very Sobils. That pernicious Faction (for still we would be understood to be far from charging any thing here said upon the whole *English* Nation) may very well remember, that they look'd upon it to be a good Justification of their War against *Holland*, because the *Dutch* reflected upon the Honour of the *English* Nation with their Pens and Pencils, drew their King with his Pocket turn'd inside out, and his hands in his Breeches running after his Whores; and represented the *English* Nation by three Lions with their Tails cut, and some such Device as this (if we remember it right) *Angli Castigati latrant non mordent*. Is it not strange then, that a Nation so jealous of their own Honour, should suffer their Neighbours to be so scandalously revil'd in theirs? But such is the Temper of the high Tory Faction, and some sneaking Court Whigs that are fallen in with them, in opposition to us, that it seems they would have the Power of calling Kings to an account, or cutting them off, appropriated to *England* alone: the latter we believe our Country will scarcely grudge them, since they have been in the sole possession of it this hundred Years, and therefore have a Right to it by Prescription; but as to the former we must beg their Pardon. By our Claim of Right it is possible still for our Kings to forfeit their Crowns by Male-administration, whether they abdicate or not. We were under no Obligation to mince the Matter, nor to manage the Credit of Passive-Obedience, and save our own Reputation by acting contrary to that pretended Principle, by imposing a Fallhood upon the World. We had no need to say that that Prince had voluntarily resign'd his Crown, when he was oblig'd to quit it by an arm'd Force; therefore we acted fairly above-board, according to the Genius of our Nation, and declar'd he had forfeited his Right, by acting so and so; which being according to former Precedents, may pave the way for others to come: Whereas there's no great likelihood of our Neighbours being so happy, as to have all their future Tyrants run away, and perhaps it's for that reason they are so ambitious to ingross the Right of Lopping off Kings to themselves; this we have the more reason to say, since they were so mild in their Censure on Mr. *Stevens*, who on the 30th of *January* defended that Practice before them, and yet were so severe upon the Author of the *Scots Inquiry*, for a mere Historical Relation of what Power our Ancestors claim'd over their Kings.

The next thing we are to consider, is the Project of a Union betwixt the *Eng-* The Union of the two Nations sincere in his Majesty, but not in others.
lish and us. We shall not offer to call in question his Majesty's Sincerity in the Proposal, because he made it formerly, when there were none of those Controversies on foot betwixt us; but we have all imaginable reason to question the Sincerity of those from whom it came now, and to look upon that, and his Majesty's Promise of holding our Parliament in Person, to have been both of them contriv'd to gull and amuse us. The very making of such a Proposal, and the forwarding it, by those Lords that had almost in the same breath charg'd themselves with the Loss of our Blood and Treasure at *Darien*, and all the Disappointments that our Company had met with, was enough to make us suspect that no good to us was intended by it. They that had just declar'd our Trading to the *East* and *West Indies* to be inconsistent with the Trade of *England*, were not like to come to any Union, that would allow us a share in their Trade, when they will grant us none of our own; yet it must be confess'd, that we can never mention, with Honour enough, those noble Lords, who with a generous and impartial Justice protested against that unaccountable Address, about our *American* Settlement. But to return to the Union, the unmanly and scurrilous Reflections thrown upon us in the House of Commons by some noted Torys on that occasion, are Indications sufficient, that such a Union as they design, would only compleat our Ruin: But at the same time we must own that our Nation is eternally oblig'd to those worthy Members of the lower House, who declar'd they rejected the Bill, because they would not concur in putting a Sham upon their Neighbouring Nation, that had been so much injur'd, and so barbarously treated by the *West-India* Proclamations, &c.

It were easy to shew that a Union upon good and honourable Terms would be the greatest Happiness this Island could enjoy, that it would certainly enrich and strengthen it, and secure our Religion and Liberties against all Attempts from abroad and at home; that it would bless both Nations with an Opportunity to rectify what is amiss in their respective Constitutions, and make us the impregnable bulwark of true Christianity and human Liberty: but some of those about his Majesty

discover sufficiently by their Conduct, that those are the things in the World they are most afraid of; and therefore think it their Interest, instead of uniting to divide us, and instead of reforming to debauch us: what else is the meaning of the prodigious Increase of Popery and Protaneness, and the perpetration of so much unnatural, and formerly unheard of Villany in the Nations? What else is the meaning of it, that foreign Protestants were so little taken care of at the *Reswick Treaty*. that since the Conclusion of the Peace, they have lost more than they did during the whole War, and are every where expos'd to be devour'd by the Papists in *France, Germany, Hungary, &c.* without any Interposition in the Name of *Great Britain*? Whence comes it to pass else; that now, when the Power of these three Nations and *Holland* are in the Hands of one Prince, the Hero of his Age, and the Representative of a Family, which for a hundred Years past have been the Scourge of Popery and Tyranny; that the Church of *Rome* should sport her self with the Blood and Misery of the Protestants every day, and kindle a War amongst the Protestant Powers of the *North*, when it were easy for us, humanly speaking, with the united Naval Force only of Protestant Princes and States, to oblige all the Popish Princes in *Europe* to come to a better Temper, in relation to their Protestant Subjects, or to sack *Rome* the Seat of the Antichristian Empire, *make the Whore desolate, and burn her Flesh with Fire*? But instead of such great and generous Designs, we are rendred incapable of protecting our selves; that Popish Interest grows within our own Bowels, Proclamations against Priests are not obtain'd without Solicitation, new Laws against them are but faintly carry'd on, the three Nations are dash'd one against another, each of them subdivided into Factions within themselves, and the Endeavours of the Protestant Kingdom of *Scotland* to settle a Trade, which hath a promising Aspect for the Protestant Interest, oppos'd with more Vigour, Industry and Cunning by some about Court, than ever they oppos'd any thing else? whether it be by the Influence of some *Spanish* and *French* Gold, or the effects of some secret and unknown Bargains, God knows; but we think our Nation has very great reason to inquire into the Cause of it, and together with their Trade, to take more than ordinary care of the Protestant Interest amongst our selves, and not to suffer this Kingdom to be a Receptacle to any of the Priests banish'd from *England*. This we humbly conceive we are the more oblig'd to look after, since that part of the Administration is wholly devolv'd upon our selves, because his Majesty, who is of a larger Soul than to do any thing that looks like persecuting People upon the account of Principles, declin'd being any ways oblig'd to use force in matters of Religion, by taking that Article of our Coronation-Oath, *which obliges him to root out Heresy*, with an Explanation: and therefore it is the more incumbent upon us to see the Laws against Popery put in execution our selves, lest our Lenity to them prove a Cruelty to our Country; it being very well known that their Principles and Practices have a natural Tendency to subvert all Civil Societies, which makes the execution of Laws against them a Prosecution as necessary as that of other Criminals; and so much the more necessary amongst us, that it is by the Interest of those of that Opinion, and of them that are addicted to their Superstition, that the Advancement of our Trade is so keenly and maliciously oppos'd.

Why the Scots
shou'd not
be join'd
in a Union.

Whilst publick Affairs are under the Influence of such Men as have testify'd so much Rancour against our Country, those Gentlemen who spoke of a Union with us in such unbecoming Terms, as one civiliz'd Nation ought not to allow towards another, need not trouble themselves with the Fears of our pressing it: It's better to be alone, than with ill Company. How desirous soever we may seem to have been of a Union, our Neighbours may assure themselves that our Nation never design'd to purchase it at the expence of their Sovereignty and Honour. We are under no Obligations yet to treat upon such disadvantageous Terms; what we may be reduc'd to, when the Faction begin that War which Captain B—— the King of *England*'s Solicitor threatens us with, we cannot tell. We doubt not he speaks the Sentiments of the Courtiers that are so much imbitter'd against us, but we despise it as a *brutum fulmen*. This they may be satisfy'd of, that by proposing a Union we never design'd to become a Province to them, and to resign our Parliament, without a proportionable share of the Legislative and Executive Power, and of the Presence of the Government and all its Influences; without which the Union would make us worse instead of making us better. Nor must they think that we design to give up our Consciences to be new molded, according to the Pattern of *Damascus*, or their Pleasure. There's no question to be made but a Union with-

out any of those Inconveniences might be effected to the Honour and Advantage of both Nations, were things in a proper Disposition for it; but if our Neighbours graip at a larger Government than what they are already possess'd of, it's not our Interest to become the Subjects of it. Great Governments, like other great Bodies, become unwieldy; and where one Member has too much and another too little, the Frame will quickly come to decay. Mutual Affection and an equal Distribution of Advantages, are the best Cement of Civil Society; but where some engross too much, and allow others too little, Friendship can never be firm nor durable. If they design to be our Masters, and not our Neighbours, they may assure themselves that our Design and theirs is not the same, and that we shall never unite with them upon those Terms.

Thus we have taken a brief View of some of the principal Grievances we labour under, as to our *American Settlement*: to which we may add the discourting of those who have shew'd themselves zealous for advancing our Trade, and the Advancement and Continuing of such in great Poits as ingloriously concur with those Measures, that are taken to ruin their Country.

The great difficulty lies in getting those Grievances redress'd, and in falling upon Methods to have the like prevented in time to come; neither of these are to be done without our Parliament's assuming to themselves the antient Spirit and Courage of the Nation: if we tamely digest those Invasions upon our Sovereignty, our Enemies will be encourag'd to go on; and if we don't take effectual Measures to restrain all Stretches of Prerogative, we shall unavoidably fall into the Tyranny of the late Reigns. The Invasions made upon our Sovereignty and Freedom by the *English Court*, are such as we cannot once doubt that our Parliament will take care to assert the Honour of the Nation against them: but perhaps there may be some difficulty in getting proper Resolves taken against the late Measures of some Courtiers, in opposition to the Interest of the Country, such are the trifling and fraudulent dealing with us as to the *Hamburg Memorial*, the like as to the *West-India Proclamations*, the denying of the Company's reasonable Petitions, the Proclamation against the National Petition, &c. the unreasonable delaying of the Meeting of the Parliament, when the Honour and Interest of the Nation did so loudly call for it, &c.

It is not to be suppos'd that a Parliament who have retriev'd so much of our antient Constitution (that was usurp'd upon or given away by pack'd Parliaments, during the frantick Transports and Prevalency of the Cavalier Faction in *Charles II's* time) will be huff'd or frighten'd out of their Rights by the bugbear words of Treason and Sedition; those are Crimes with which Parliaments lawfully call'd, and acting with the Consent of the People, can never justly be charg'd. Freedom of Speech and Debate in Parliament being retriev'd by the Claim of Right, Members who speak freely for the Honour and Interest of their Country, are not now to be frighten'd by Red-Coats, and other Court-Pensioners, with the *Castle*, the *Castle*, as in the late Reigns. If any such thing should now be offer'd, the said Claim will justify sending the Proposers of it to the same Quarters.

By the same Instrument of Government, or Claim of Right, we are also deliver'd from that overgrown Prerogative or Excrecence of Tyranny, that made it Treason to say the King is accountable to his Parliament; since a Freedom from those Incroachments upon the Liberties of the Subject that the late Reigns were guilty of, are made the Foundation of this present Government, and that his Majesty accepted our Crown upon those terms in the Claim of Right, promising to protect us from the Violation of those Rights we therein asserted, and from all other Attempts upon our Religion, Laws, and Liberties; all which were to no purpose, and mere empty piece of Formality on both sides, if our Representatives in Parliament might not freely remonstrate against the Breach of one or all of them, and if upon obstinate refusal of Redress, when such of them are violated as tend to be Overthrow of our Constitution, they have not a Right to betake themselves to the last Remedy. From all which it follows as a natural Conclusion, that all those tyrannical Usurpations upon the People, and Stretches of Prerogative, since King *Charles II's* Restoration, contrary to the said Claim of Right, are as fully brogated as if there were an express Act of Parliament annulling every one of them. And his Majesty's agreeing to that other Clause to protect us from all other Attempts upon our Religion, Laws and Liberties, extends to the things now under consideration; but more especially to those that have been made upon our Sovereignty, Independency, and Trade.

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His Majesty has no reason to think this a Hardship or Innovation upon him, since it's evident from our Histories and Acts of Parliament, that our Ancestors did many times claim a much greater Freedom in relation to their Princes, than any thing here demanded. We know there were a Set of Judges and Clergymen in the late Reigns, that condemn'd this as Treason and Sedition from the Benches and Pulpits, but without a grain of Truth on their side, as hath been sufficiently evidenc'd, since others had liberty to write and speak as well as they. Sir George Mackenzey was one of the ablest Penmen on their part, but his Character and Interest are too well known in Scotland to suffer any Man to lay much stress upon what he wrote on that Head in his *Jus Regium*, or other Pieces. His *Ipse dixit* must not outweigh the Credit of all our Historians and old Acts of Parliament in this matter; and so much the less, since his wild Conceptions about the Form of our Original Government, as being an Absolute Monarchy, are sufficiently contradicted by *Cæsar*, *Tacitus*, and other contemporary Historians. They do all of 'em expressly say, that the *Spaniards*, *Gauls*, *Irish*, and *Britans*, had each of them many Kings, and in *Britain* particularly; that *Kent* alone had four Kings, and that almost every City had its own King. He describes *Cassibelan's* Boundaries, and gives an account of his making War with other Cities. The *Sihures* and *Bigantes* had each their own Kings; and mention is made of *Gethus*, a King of *Orkney*; all which proves the Truth of what *Buchanan* asserts of our Ancestors, who first inhabited this Island, that they liv'd *sine Rege ac certo Imperio per Cognationes tributim sparsi*: which fully overthrows what Sir George Mackenzey has asserted as to our Government being originally an Absolute Monarchy, and overturns all the Train of Consequences he would deduce from thence. This was so much the more inexcusable in Sir George, that being a Highlander, he could not but know that that manner of Government by *Clans* or *Kindreds* continues still in the Highlands; and that the Experience of all Ages hath made it apparent, that (generally speaking) they paid a greater Deference to the respective Heads of their *Clans*, than to the Kings themselves, and seldom fail'd espousing their Quarrels against their Princes; so little did Absolute Monarchy ever obtain in Scotland. This is so much the more remarkable in our Nation, because the Heads of those Clans, Tribes, or Families, had not their Original or Estates from the Gifts or Patents of their Princes, on condition of Military Service, &c. as happen'd in those Countries where the Feudal Law took place, and where Conquerors, such as *Charlemain*, divided their Conquests amongst their Captains, on condition of serving them in their Wars, or other occasions; and they again subdivided their Lands amongst their Vassals, on condition of the like Service. But on the contrary, our Kings receiv'd their Power originally from those Heads of Families or Clans, who were in being long before the Feudal Law was heard of; which is generally agreed to have had its rise in *Lombardy*, came from thence into *France*, was first practis'd there by *Charlemain*, and brought into *Britain* by *William the Conqueror*. We don't deny however, that our People might afterwards incorporate some things from the Feudal Law into their own Customs; but this is plain, if our Histories may be credited, that our antient Great Families don't owe their Original to our Kings, and that from time to time, those Heads of Families, who were our real Nobility (when the pompous Titles of Duke, Marquis, Earl and Lord, were altogether unknown) chose and gave Laws to our Kings, who without them could do nothing; and when they acted contrary to their Advice, and the Constitutions of the Country, they were by them call'd to an account, and dethron'd or continu'd in the Government as they saw cause. This is so plain from our Histories, that they must have a very large stock of Confidence, or a great share of Ignorance, that will deny it. Nay, tho we have the longest and most uninterrupted Line of Succession, that any Nation in *Europe* can boast of; yet we were so far from owning an Hereditary Lineal Succession, that we regulated that matter from time to time as we thought fit, and never allow'd our Princes to claim our Sovereignty as their paternal Inheritance, but as depending upon our Choice; and therefore sometimes elected them afresh, and at other times confin'd their Succession, to make them sensible that they deriv'd their Power from the People, which the present Parliament, when a Convention, have so far gallantly retriev'd, as to make our succeeding Princes incapable of the Government, until they take the Coronation Oath, which is a formal Stipulation with their People, and that alone that confirms them in the Throne. From all which it follows as a necessary Consequence, that if our Kings violate their part of the Stipulation, our Parliaments have a Right to put them in mind

mind of it, and to demand a Redress and Security against such Practices in time to come; which is all that our Nation requires in the present Case. So much was thought necessary to be said for Information of those that may perhaps be withheld from doing what they owe to their Country in its present Circumstances, by a Clamour of Sedition, Treason, and Disaffection, rais'd by those who are the Authors of our Grievances, against such as endeavour to have them redress'd. Malice it self must needs own that our Company and Nation have behav'd themselves with that Loyalty, Moderation, and steady Affection towards the Government, in the present Juncture, under such pressing Grievances and provoking Treatments from the hands of the pernicious Counsellors, as bespeaks their due Sense of what they owe to his Majesty King William, our great Deliverer, and sufficiently vindicates them from the Stain of all such noisy and ill-grounded Reflections.

PART II.

IT is absolutely necessary, that our Parliament take into their serious Consideration the State of our Trade, with respect to our Neighbours of *England* and *France*.

It is very well known, and hath been hinted at several times already, that upon the Union of the Crowns it was granted to us by the Agreement of Commissioners of both Nations, that we should be under no Restrictions in matter of Trade more than the *English*, except as to the exporting of Wool, and some few things of *English* Product. Matters continu'd thus, without any considerable Alteration from that time, to the Administration of the Parliament in 1641. And during *Oliver's* Usurpation, our Privileges that way were rather increas'd than diminish'd; but soon after the Restoration of King *Charles II.* we were put under the same Hardship with Aliens, by the Act for Encouraging and Encreasing Shipping and Navigation, and the Act for the Encouragement of Trade. So that we are much worse treated than the *Irish*. This is sufficient to convince all Mankind, that the Design of the *English* Court upon our Trade is not of yesterday, and that the present Opposition they make to us, is the Effect of a premeditated Contrivance; against which it's hoped our Parliament will take effectual Measures to secure us.

It will be also proper for them to inquire into the gradual Increase of their Impositions upon our Commodities imported into *England*, to the utter ruin almost of our Trade with that Nation, particularly as to our Linen Cloth; which was so much the more unreasonable, that at the same time when this Additional Imposition was laid upon our Linen, we were so complaisant to the *English*, as to concur with them in forbidding the Exportation of Wool from *Scotland*, without prohibiting the Importation of the Woollen Manufacture of *England*; so that every one hears *English* Cloth without any notice taken of it by our Government, because they pretend it would lessen his Majesty's Customs if they should. By this means we are ruin'd in our Linen Manufacture, our own Woollen Manufacture is perfectly undermin'd, and we are not at liberty to export our own Wool neither.

It would seem necessary that our Parliament should make an Inquiry what pass'd betwixt the Lord *S---* and *Blath---* the *English* Secretary of War on that occasion: What Promises his Lordship made to Mr. *Blath---*, to hinder the exporting of Wool from *Scotland*, and upon what Consideration: Whether there was any Liberty in the Case; or whether Mr. *Blath---* did not out-wit him in this matter, making a fraudulent Promise, which *S---* knew he could not perform; to wit, That the Parliament of *England* should take off the Imposition from our Linen. This is so much the more necessary, because *Blath---* deny'd any such Promise to *S---*. When some of our Countrymen, Traders in *London*, went to him and told him of it, in order to have had it fulfil'd; he answer'd them, that he only advis'd the *Scots* first, to discharge the Exportation of Wool, and that the *English* might probably take off the Imposition on our Linen. It were worth while to inquire, if the Bargain had been real, who it was that empower'd *S---* to treat of that matter: And since he had not Wit enough himself

On the Union of the two Crowns a Freedom of Trade was granted the Scots.

But Impositions on Scots Goods were increas'd by the English.

Wool forbidden to be exported from Scotland.

self to transact a thing of that importance, why he should not have call'd for the Assistance of others that were more capable.

Why the
Scots should
improve
their own
Woollen
Manufac-
tures.

Since we are so treated by the *English* Court, it results naturally that we should discharge their Woollen Cloth of all sorts, and apply our selves to the Encouragement of our own Woollen Manufacture at home, which will employ our Poor, raise the value of our Lands, and the Prices of our Cattel. This we have so much the more reason to do, not only because it will be a just Retribution to the *English* Court, who have not only discharg'd in a manner our Linen Manufacture, but have set up Manufactures of that sort of their own, and encourag'd the *Irish* to do the like, which must certainly prove fatal to ours.

The Argument is also reinforc'd by this Consideration, That a great part of the Flax we made use of was foreign Product, which exported our Money, and yielded us no great Profit; whereas our Wool is our own. And if the Parliament could fall upon Methods to encourage the making of Bays, Kerseys, and other things in a regular manner at home; it would advance a foreign Trade, furnish Materials for our Consumption, from our own Product, and save Money, which is constantly exported for those things.

We hope, considering the Outrage done to our Sovereignty and Freedom by the *English* Court, it will not be an Argument of weight with a *Scots* Parliament, that they ought to keep Measures with them, since they think it so much below them to keep any with us.

English
stand in
need of
Scotch
Cattel.

The only Objection of seeming weight that can be made against this, is, That the *English* may thereby be provok'd to forbid the Importation of our Cattel: But this is easily answer'd, That it's not out of any respect to us that the *English* allow that Importation, but they find their own Account in it, because they buy them cheap, find them better Meat, when fed, than their own; and that they eat up the Grass which their own Cattel will not touch, and by consequence would be absolutely lost to them, were it not for our Cattel: And besides, they would not be able to provide their Fleets and Merchant Ships so well without ours, which puts them in a condition to dispose of their own larger Cattel for that end. But that which is an Answer once for all, we do not in the least doubt, if those of our own Country be consulted, who have most Cattel to dispose of, but they will satisfy our Parliament, that this Objection is of no weight; and we know the common Proverb, that *Interest will not lie*.

Besides, if the Parliament pleases to take effectual Methods to encourage our Settlement in *Caledonia*, and our Foreign Trade elsewhere, we have reason to expect (by the Blessing of God upon our Endeavours) that we shall have every year less occasion than other, to be oblig'd to our Neighbours for taking off our Cattel; and so much the less, since we know now by Experience, that our own Beef will endure Salt, so as to make it fit for Sea.

Scots may
hinder the
English
from fishing
in their
Seas.

It likewise deserves the Inquiry of our Parliament, whether it be not proper to discharge the *English* from fishing in our Seas, Creeks and Harbours, which their Company, call'd by the name of *The Royal Fishery*, pretend a Right to, by a Patent from King *Charles II.* who had no Power to grant it without the Consent of our Parliaments. The *English* themselves cannot justly find fault if we do this; they know their *Selden* maintain'd a *Mare Clausum*, against *Grotius's Mare Liberum*; so that out of their own Mouth we judg them. And we have so much the more reason to do this, because of their late Insolence to come into our own Harbours and Roads, where they search our Ships, and take out what they think fit, in defiance of the Laws of Nations, to the great Interruption of our Trade, and the Dishonour of our Country. These things, together with their pressing our Seamen out of our Merchant Ships in time of War, as if they were their own Subjects, are Grievances which we ought not to put up, but insist upon an effectual Redress of them, as being utterly inconsistent with our Liberty and Freedom.

English
Nation not
the Cause
of the ill
Treatment
of the Scots.

If the Faction object, that such Proceedings may occasion a War with *England*, we can soon answer them, That it is not the *English* Nation, but a Court-Faction supported by some hot-headed Ecclesiasticks, and their superstitious bigotted Adherents, that is at the bottom of this unneighbourly Treatment of our Country. *England* is a wise and clear-sighted Nation, and will never make war against us upon such a Quarrel. Their present Conduct proves beyond contradiction, that they have no such Design; they disarm instead of putting themselves in a posture for War; and are sensible of the danger they are in themselves, from that very

Faction

Faction that are now oppressing us, and therefore will not entrust them with a Standing Army, nor Money sufficient to keep one on foot.

So that we have so little Reason to fear a Rupture with the *English Nation* on that account, that we rather have cause to expect their Favour, if we imitate their Conduct, and take the same or the like Measures that they do for securing our Liberty and Property, from the Invasions of Court-Parasites and pernicious Counsellors. We hear every day what brave Efforts they make for Advancement of their Trade, and pulling Arbitrary Government up by the roots: They are no ways afraid of telling their Kings freely when they are misled, and act any thing contrary to the Honour and Interest of the Nation. They make no scruple of impeaching the Chief Ministers of State and Favourites, when they find them guilty of any thing that may be prejudicial to their Constitution. They boldly order their King's Speeches and Promises, and their own Resolves upon them, to be publish'd to the World in justification of their Conduct, and make Laws to disabuse those that have a Dependence upon the Court from being Members of Parliament. These and much greater are and were our Birthright as well as theirs; and it's evident to the World we have much more reason to assert and demand them, which will demonstrably appear, if we consider,

The Scots may expect England to assist them in asserting their Freedom.

1. That since the Union of the Crowns, our Kings prefer their Interest to ours, in all matters relating either to Church or State.

2. That ever since that time we have not been govern'd by our own Councils, but by theirs, with a prospect of advancing their Interest, tho' utterly subversive of our own.

3. That ever since then, our Interest has been by turns either sacrific'd by our Kings to them, or by them to our Kings. Thus King *James I.* and the two *Charles's* made a Sacrifice of our Church to theirs, and they in requital did, together with a mercenary Faction of our own, make a Sacrifice of our Civil Liberty to them; witness the great Army they furnish'd King *Charles I.* to carry on the *Bellum Episcopale* against us, and the Treachery of our own mercenary Tools at home, by procuring and agreeing to the 18th Act of the Duke of *York's* Parliament, which enacted that all Jurisdictions did so reside in his Majesty, that by himself or his Commissioners, he might take the Cognizance of any Cause, and decide it as he pleas'd. Thus King *Charles II.* did also make a Sacrifice of our Interest in Trade to theirs, by the Acts above-mention'd; and thus our Interest in Trade in this Reign has been also made a Sacrifice to theirs, and their House of Lords in requital, with the concurrence no doubt of many of their Commons, have again made a Sacrifice of us to the King, by their Address approving his *West-India* Proclamations, &c. against us. Thus we are bandy'd about with the utmost Disregard and Contempt, according as their different Interests and Humours require it.

These things demonstrate that we have more reason to insist upon those above-mention'd Privileges than the *English* have; nor can we expect to have our present Grievances redress'd, or future Grievances prevented, till we obtain, if not all, at least some of the most material of those things, that the Parliament of *England* insist upon.

Their ordering an Address to the King on the 10th of *April* last, That none but Natives of his Dominions, Prince *George* excepted, be admitted to his Councils in *England* or *Ireland*, is a Pattern fit for our Imitation, and what we have as good Right to demand as they. None but *Scots* Men ought to be consulted with in our Affairs; for Experience teaches us, that since we have had Secretaries of State, who consult *English* Ministers in every thing, the Honour and Welfare of our Nation hath gone retrograde. Nor indeed is it enough that none but *Scots* be consulted in our Affairs; it's also requisite that our Parliament should have the choosing and swearing of the Privy Counsellors, as our Ancestors had, and a power to call them to an account, and punish them for Male-Administration. The present Calamities our Nation groans under make the Necessity of this more evident than ever, which if obtain'd, we might then have hopes that the Adversities of our trading Companies should not be thrown over the Council-Bar, nor the *American* Settlement oppos'd, as if our Privy Counsellors were rather chosen by a King of *Spain* than by a King of *Scotland*; then might we hope that our *Imperii* should not be betray'd to our Enemies, and that the Affairs of Church and State should not be manag'd by the Capricios of Favourites, *English* Courtiers or Prelates, who improving the opportunity they have to debauch pretious, necessitous, or weak Ministers, that attend our Affairs sometimes at the

None but Natives ought to be employ'd in the Affairs of Scotland.

Court of *England*, make them the Instruments of ruining our Country. That this is no groundless Suggestion, will appear but too plain, if our Parliament think fit to inquire into the Truth of that Report, that a *Spanish* Consul at *Jamaica* should have generously told some of our *Caledonians* there, that we were betray'd by one of our Country-men that was entrusted with our Affairs at Court: And perhaps it may appear yet more plain, if they inquire whether any of our own Secretaries knew of the *West-India* Proclamations against our Colony before they were illu'd, as it's confidently said the *English* Secretary *V*—*n* hath given out, that one of them did.

Ought to
choose its
Publick
Officers it
self.

We have found by woful Experience, that 'tis not safe to trust the Management or Representation of our Affairs to one or two Men, chosen for that end at the Discretion of the Court of *England*: therefore it seems highly necessary that we should be re-invested with our native Right of chusing our own Publick Officers our selves, or at least that none be advanc'd to Posts either Civil or Military without the Advice of the Council of *Scotland*; otherwise, since our Kings can now no more be said to be *Scots* Men, it's a parting with our Sovereignty, and lays us open to have all our considerable Posts fill'd with such Men as will certainly fall in with the Measures of the *English* Court, and govern themselves wholly by the Dictates of Princes, that must now of necessity be educated in a Country who think it their Interest to keep us low, and to thwart us in every thing that our own Parliament and People think most conducive to our Honour and Advantage. Nay, they are so jealous of us, that they are unwilling any of our Countrymen, tho' unexceptionably well qualify'd, should be so much as concern'd in the Education of those Princes in whom we have as great a Right as they. Thus they remov'd a *Scots* Gentleman, of the Name of *Murray*, from having the Charge of *Charles* the First's Education, fearing he might have inclin'd him to Presbytery; and thereupon made him such a Bigot the other way, that he himself and the three Nations had occasion afterwards to bewail it in Tears of Blood. It's well enough known what Attempts of the like nature have lately been made upon the Duke of *Glocester*, because under the Conduct of a *Scots* Man, tho' a Bishop; whose Order we have thought fit to abolish in our Nation. If our Parliament should insist upon the having the Nomination of our Privy Council, as it's no more than our Birth-right, so it's no more than what his Majesty in effect granted to our Neighbours in *England*, when he submitted the List of his first Counsellors to the Judgment of their Convention-Parliament.

Ought to
have no
Nobility
made with-
out Consent
of Parlia-
ment.

The next thing we shall propose to Consideration, is, that a Restraint, if possible, might be laid upon the Creation of Lords. As 'tis only Virtue that can truly make Noble, so Advancement to the Degree of Nobility ought only to be the Reward of Virtue. It's an unreasonable thing, that the Power of making Hereditary Lawgivers to our Nation should be at the sole disposal of our Princes, who are now Kings of *England*, and by that means have an opportunity of strengthening an *English* Faction among us, by conferring Peerage, or the higher Degrees of it, upon ambitious Persons, who devote themselves to their Interest, and perhaps are advanc'd for no other Merit sometimes, but for having been Ministers to their impure Pleasures, or Instruments of Tyranny. What pity is it, that the illustrious Nobility of *Scotland*, many of whom are Noble without a Patent (as being the Heads of Antient and Great Families) should be mixt with such a base Alloy! It would certainly redound much to the Honour of the Nation, and much inance the Value of the present Nobility, if none were admitted into their Rank but with Consent of Parliament, and on the account of true Merit. What pity is it that the Freedom and Honour of a Country should be endanger'd by such an Hereditary Power of Legislation, when Experience shews us but too often that Wisdom and Virtue is not entail'd upon the Posterity of Nobles more than others!

Sustains
great Da-
mages by
the Loss of
Trade with
France.

We come next to propose the State of our Trade with *France*. The Loss of our antient Alliance with that famous and great Kingdom, and of the honourable and advantageous Privileges we enjoy'd there, is one of the great Damages we sustain'd by the Union of the Crowns. Neither our Princes nor our Neighbours have thought fit to allow us any Compensation for this hitherto, but have rather pleas'd themselves to see our Honours and Privileges there gradually wrested out of our hands; so that now they are brought to a woful and final period: instead of having the Preference there of all other Nations in point of Honour and Trade as formerly we had, we are now, because of our Union with *England*, not only

depriv'd

depriv'd of the same, but are in a worse Condition than other People: Thus our Salt Fish is discharg'd there, and the *Dutch* have engrossed that part of our Trade, and sell them dearer to the *French* than we offer'd them, but could not be accepted, tho at the same time great Sums of Money are exported yearly from our Kingdom to *France* for Wine and other Commodities. This is a thing that certainly deserves our Parliament's Consideration; it ought to be a Subject of Inquiry whence it came to pass, that the Honour and Interest of our Nation was so much neglected and despis'd, as never once to be mention'd at the Treaty of *Reswick*; our Council and Ministers about the King ought to be examin'd as to this matter, for we cannot think that his Majesty, who took so much care of the Honour and Interest of the little Principality of *Orange*, would, had he been put in mind of it, have so much neglected his antient Kingdom of *Scotland*, since he owes all his present Grandeur to his Descent from our Royal Line, and his Alliance with it. This deserves the Thoughts of our Parliament so much the more, that we sustain Affronts and Damages by the Interposition of his Majesty of *Great Britain's* Name, as is evident from the *Hamburg* Memorial, the pretended Breach of Treaty with *Spain*, and the loss of our Trade with *France*; but there's no care taken of our Interest in any of those General Treaties.

There's no way of retrieving this, but by our Parliament's asserting our Independence and Freedom against all those Invasions and Neglects, and by making it appear to the World, that we are still a Sovereign Nation, and have as much Right to consult our own Interest, without any regard to that of *England*, as they have to do so by us. It would seem necessary, that until those Impositions be taken off our Trade with *France*, and till we be restor'd to our Privileges there, we should forbid the Importation of *French* Commodities, Wine and Brandy particularly, either immediately from *France*, or immediately by way of *England* or *Holland*; and content our selves with Ale, and other Liquors of our own making, which might in that Case be made stronger than usual would consume our own Product, and raise the Value of our Lands. If the necessity of Wine for Health be objected, the answer is easy: That let us take all the Precautions we can to exclude it, there will always be enough found for that use; and besides it's evident from the High Lands, and other remote Places of the Country, that the People are as strong and long liv'd where they never see Wine nor Brandy, nay rather more than in those Places where they abound most.

If this should be thought an Hardship upon Families of Quality, they may have an Allowance; or if we must have Wine, it were more reasonable to import it from those places that don't impose upon our Trade, than from those that do.

It were also worth our Parliament's Consideration, whether it might not be proper to forbid the sending our Youth abroad into *France*, which exports so much Money out of the Kingdom every Year, exposes them to be corrupted in their Principles, both as to Religion and Politicks; and also in their Morals by such dissipated Fellows as Musicians, dancing Masters, and fencing Masters: that sort of men live upon the Vices and Folly of Youth, and therefore think it their Interest to nourish their vitious Inclinations, and many times effect it to the Ruin of their souls, Bodies and Estates; so that instead of well accomplish'd Gentlemen we have to often nothing in return for our Men and Money but ill Principles, empty Pursets, and bad Morals. There was some necessity for sending our young Men of Quality either during the Alliance betwixt us, for then *France* was like a second Native country to us; there we enjoy'd a Share of the greatest Offices in Court and Camp, and were distinguish'd from all other Nations by peculiar Privileges: but now quite otherwise, our Subjects, or at least their Children and Relations are denied the Freedom of Religion there, or to return home; but are barbarously us'd their Persons and Estates: nor is there any that have shew'd themselves greater Enemies to our *American* Settlement than the *French* Court, who from time to time offer to assist the *Spaniards* to drive us from thence: and if some People may be credited, the Opposition made to our Colony proceeds more from some private Rivalry with *France*, than from any Damage that may redound from it to us.

We don't mean by this that our Nobility and Gentry should be depriv'd of the Accomplishments they aim at by travelling. As for the Exercises they commonly use in *France*, and the Acquisition of their Language, which is now become so much in vogue: We have as good an Opportunity as we can desire, of erecting

They ought to forbid the Importation of Wine, &c. from *France*.

And forbid the sending of our Youth thither.

Nobility & Gentry might be as well educated at home.

Academies of *French* Protestants to teach them; or of having them taught privately at home under the Guardianship of their Relations: and then if our Nobility and Gentry have a mind to send their Sons to travel, they will be under no Temptation of being corrupted by such trifling Popish Fellows as teach those things abroad; they need not stay so long in foreign Countries, and yet improve themselves more by conversing with Men of Note, and observing the Customs, Constitutions, and Products of Countries, which before they had not time to do, because of those Exercises. And above all there ought to be care taken that they be well vers'd in the Constitution of their own Country before they go abroad, of which no Nation in *Europe* has so good and easy an opportunity as we have by *Buchanan's* History; an Author fit to be read by all Persons of Quality, both for Ornament of Mind and Style. If our Youth were taken care of in this manner, and solidly instructed in the Principles of their Religion before they went abroad, they would raise the Reputation of our Country, and not be so liable to be corrupted as now, being usually sent abroad in their blooming Years, when they are most apt to be seduc'd by ill Conversation. As for the study of the Law, it's a shame for our Country, which from time to time hath had such famous Civilians, that we should not have a College for the study of it at home, which would save both our Money and Reputations; so that our Youth that had a mind to travel for further Accomplishment in it, needed do little more than visit foreign Universities.

Scotland
should not
maintain a
Standing
Army in
time of
Peace.

The next thing to be consider'd is, the relieving our poor oppress'd and impoverish'd Country, which hath suffer'd so much of late (by the Justice of God, and the Wickedness of Men) from all unnecessary Burdens, amongst which that of a Standing Army may well be accounted the most needless and insupportable; and for keeping up of which, by the Advice of some Courtiers, we have been so ungratefully rewarded.

But follow
the Exam-
ple of Eng-
land.

That it is unreasonable for us to have a greater Army in time of Peace than we had in time of War, cannot well be controverted; and that to keep up a Standing Army in time of Peace is against our Claim of Right, can as little be denied. Let us then learn Wisdom of our Neighbours; we see they who are nearest the Enemy, that the Courtiers pretend to be most afraid of, have reduc'd their Standing Force to Guards and Garisons; their Number is little, if any thing more at present than what we have now on foot in *Scotland*: so that if we should disband according to that proportion, we should not keep one Man in Pay, for Guard nor Garison. For Guards, since we have no King, there seems to be little need of them, and so much the less, that it is but of late our Kings had any. Formerly they intrusted themselves with their Subjects, and administer'd Justice in Person from County to County, without any other Guards but their own Domesticks, and such Persons of Quality as thought fit to attend them, with the Sheriffs of the respective Counties. And for our Garisons, a very few Men may serve. In King *Charles* I's time we had but one Regiment of Foot, and a Troop of Guards; in King *Charles* II's time the Number was increas'd; in King *James VIIth's* Time they grew still more, and now they are more numerous than ever.

No need now
of nume-
rous Troops.

It's evident there is no necessity for such numerous Troops, we are now in Peace at home and abroad; nor are we like to have any occasion of Quarrels, except it be with the *Spaniards* in the *West-Indies*; and in that respect, if we may guess of what is to come by what is past, our Courtiers are more like to make use of our Troops against us than for us.

We hope the Parliament will not now be impos'd upon with a necessity of keeping them up to overaw the disaffected Party, and particularly the Highland Clans. It's known their Chiefs have submitted to the Government, and the greatest of the Clans are intirely in the Interest of our present Constitution. It's very well known, that when it was otherwise, and that most of them were on King *Charles* I's side, under their famous Leader *Montrose*; and when so many of them declar'd for the late King *James* since the Revolution, they were never able to cast the Balance, or do any thing considerable, in comparison of the Low-Lands: The Western Shires alone were able to overaw all the late King *James's* Party at the Revolution, and to set the Crown upon King *William's* Head. These things being consider'd, we hope that all S——'s Arguments from the Highland Clans, tho seconded by his good Table, of whose wonderful Effects he boasted so much last Sessions, will not be able to prevail with our Parliament, to continue a Standing Army this Sessions.

What

Whatever Arguments the Courtiers may pretend for keeping them up, from such or any Foreign Considerations, we may assure our selves, that the pernicious Counsellors who put those things in their Heads have other Reasons for it. They know they have given our Nation just Cause of disgust, and to demand that they may be punish'd according to demerit: Therefore they think a Standing Army necessary to overaw us, to swallow up our Liberties by degrees, and to put us out of a Condition to revenge the Injury they have done us. This will appear to be no uncharitable Conjecture, if it be consider'd that Instruments of Tyranny are always afraid of the People they tyrannize over, and therefore hate them.

Why a Standing Army is kept up.

The Oppression the Country groans under by maintaining these Forces, is undeniable, and the uselessness of them is equally demonstrable. England is the Seat of the Government, nearer to any Foreign Enemy, and much more capable of furnishing them Subsistence than our Country; being the Seat of Government, it is by consequence the Receptacle of Intelligence, and yet we have not heard of one Word signify'd to them of any Apprehensions from abroad, this last Sessions of Parliament. The Case being so, if the English be so secure, we have less reason to be afraid. The World must own that they are zealous for the Defence of their Country, and that it's a Subject well worth their Zeal. Therefore there's no reason to think that they would neglect their Safety, if they saw it in hazard. Then since they are the first that will probably be attack'd, we shall have time enough to arm in our own defence.

Is oppressive to the Country, & useless.

To this we may add, that Standing Armies not only oppress the People, but corrupt the Manners, and overturn the Liberties of all Countries where they are kept up; and that since the pernicious Counsellors have already made an Invasion upon our most valuable and fundamental Liberty, viz. our Sovereignty and Independency, we shall be look'd upon as the most foolish and unthinking Nation upon Earth, if when it is in our power to disband them, we suffer them to keep up a Standing Army, to compleat that Slavery which hath already made such formidable Advances upon us.

They overturn the Liberties of a Country.

At the same time, it is not our Opinion that the Country should be laid naked, without a Defence; and therefore it's necessary the Parliament should consider of regulating the Militia, so as to make it most useful. In which, particular regard ought to be had to the Qualifications of those who are entrusted with the Command of them, viz. that they be Men of Estates and Interest in the Country, and well affected to the present Constitution both in Church and State, that they be duly train'd and arm'd, and as many of the present Officers as are Men of Probity employ'd in the Command as may be; nor would it be amiss to mix them with such of the Soldiers as are best disciplin'd, and of the most commendable Conversation. If our Militia be so regulated, there's no doubt of their being more serviceable in the defence of our Country, and for the support of the Government according to our present Constitution, than a Standing Army can ever be.

The Parliament ought to regulate the Militia.

We may readily believe that a Militia so model'd will have more Zeal for the Honour of their Country, than that part of the Standing Army which yielded their Post of Honour to the Dutch in Flanders; it were but just that our Parliament should inquire into the Authors of such a Dishonour done our Nation, and to call them to an account for it. However some Courtiers may palliate this, we are sure they can never defend it. Their Pretence that the Dutch were in English Pay, and therefore took the Post as English Guards, is frivolous and trifling; our Troops were in English Pay as well as the Dutch, who by the Treatment they have had since by the Parliament of England that sent them away as Foreigners, appear never to have been look'd upon by the People of England as English Guards.

Which will maintain the Honour of their Country.

We come next to consider the Practices of the Faction upon the last General Assembly of our Church, in order to abate the Peoples Zeal for our Establishment at Darien. This of it self is sufficient to demonstrate that the pernicious Counsellors have still the Ascendant against us. It's well enough known how those of the Assembly that were for the Interest of the Colony, were forc'd to fight for every inch of Ground; that those who were manag'd by the Influence of the Faction, appear'd more openly against the Interest of the Country in the Committees, than they dar'd to do in the Assembly. Nor is it to be forgot what opposition they made to the Name Caledonia, which however was all they were able to carry. A Noble Victory! well becoming the Antesignani of Church and State, and for which no doubt they ought to be well rewarded out of the Treasury.

The Faction of England their Practices on the General Assembly of Scotland.

We are sensible that many of those Ministers who were deceiv'd by the Agents of the Faction, have now seen their Error ; and that notwithstanding all the Tricks made use of, things are set in a clearer Light there ; and that the Interest of the Country carry'd it, as is evident from the Act enjoining a Fast, which owns our Plantation abroad to be a great National Concern, and the Disappointments it hath met with to be National Rebukes. Yet since the Compliance of that Assembly so far with those that are Enemies to our Colony, hath in a great measure disgusted the People, it's the more incumbent on the Presbyterians in Parliament to retrieve it, and by a steady and firm Adherence to the Interest of the Nation, to oppose a Standing Army, and to concur in every thing that may tend to the Security and Advancement of our Colony. We are sure if they don't act contrary to their own Principles, they must do so.

The poor Country Ministers, who for the most part have more Honesty than Policy, may be impos'd upon by the sly Insinuations of crafty ill Men, that if the Presbyterians don't fall in with the Party, another Parliament shall be call'd to establish Episcopacy : But we hope, Gentlemen and Members of Parliament know better Things.

Admitting it to be true that the Faction hath threaten'd to do so ; it is contrary to the Divine Rule, to do Evil that Good may come of it, or to commit Sin to avoid Suffering.

Nor will it be in the power of the Faction to abolish Presbytery, so long as it has the Affections of the People. It is likewise evident, that if the Presbyterians adhere at this time to our Civil Rights, the Nation will be more and more endear'd to their Constitution : and it will be one of the most effectual means to convince its Enemies, that our Discipline is not only best accommodated for the preservation of Religion, but likewise for the support of Civil Liberty.

It's also evident, that if the Presbyterians adhere to the Interest of the Nation, it will be impossible to overturn their Church-Constitution, without shaking of the Throne ; since it is one of the fundamental Articles in the Claim of Right, upon which his Majesty receiv'd the Crown.

But if the Presbyterians should at this time take part with the wicked Counsellors against their Country, and by that means lose the Affections of the People, they infallibly ruin their Church-Constitution ; which may be demonstrated thus.

Presbyterian Government was first settl'd in Scotland, at the time of the Reformation, by the Affections of the People ; it hath been supported by that same means against all our Courts to the late Revolution, and was restor'd to be the National Establishment then, because most agreeable to the Inclinations of the People : and 'tis for that only reason it hath been continu'd since, because the Court found it the best Method for securing their Interest in Scotland.

But if once it lose its ground in the Hearts of the People, as it must unavoidably do, if the Presbyterians at this juncture act contrary to the Interest of the Kingdom, then the Court will overturn Presbytery of their own accord, both from a Principle of Interest and Inclination.

That it will be their Interest so to do is plain ; for if Presbytery once lose the Affections of the People of Scotland, it can be of no more use to the Court, but will afford them as good an opportunity as heart can wish, to ingratiate themselves with the Church of England, which is by much the greatest Interest in that Nation.

That it's the Inclination of the Courtiers so to do we have no great reason to doubt, it being well known that they have several times broke in upon our Laws since the Revolution, in favour of the Episcopal Party. Witness the long time they took to consider whether they should allow us Presbytery or not, after Prelacy was annul'd by the Convention of States ; and their adjourning and dissolving the General Assemblies of our Church, contrary to the express Statute, when the Earl of Lothian was Commissioner, besides several Arbitrary Letters sent to the Assembly, and Commissions of Assemblies to put a stop to the Exercise of the Jurisdiction the Law had invested them with.

It's no way improbable that the pernicious Counsellors, who endeavour to make Tools of the Presbyterians for carrying on their present Purposes, have also the Ruin of Presbytery in view, in conjunction with their other designs against our Nation ; they put them upon those Measures to disoblige the People, and divert their Inclinations from Presbytery, that so they may have a fair pretence for getting

getting the Law that establishes it repeal'd, since it's founded upon the Peoples Inclinations.

If they be able to effect this, all the Laws in favour of it will be but so many Cobwebs; our Parliament themselves will be provok'd to annul them, or if they should not think it their Interest so to do, the Faction will certainly break thro them. It's in vain to suppose the contrary, for since they have broke in upon our Sovereignty and Trade, which all but those who depend upon the Faction, are unanimous to defend; they will find it a much easier task to overturn Presbytery, when back'd by the Church of *England* abroad, and a strong Party at home.

We heartily wish this may never happen to be the Case: for abstracting from all Theological Arguments in favour of Presbytery, which we are satisfy'd are unanswerable, we are fully convinc'd that it's as much the Political Interest of our Nation, to maintain that Form of Church-Government in opposition to Episcopacy, as it's the Interest of the Wise *Venetians* to exclude Church-men and their Dependants from having any share in the Civil Government, and upon the same account too. That Sage Republick excludes their Ecclesiasticks, because they depend upon a Foreign Head, and therefore are liable to Temptations, to espouse an Interest opposite to that of their Country. It always has been, and must be the same with Bishops in *Scotland*, since we have no King of our own but in Partnership with another Nation, who claim ten Parts in twelve; or to speak the plain Truth, allow us no share in his Government at all, but in order to subject us to themselves, or to secure or promote their own Interest: and therefore since all our Bishops must depend upon the K. of *England* for their Nomination, and *Conge d'Eslire*; since they must be acted by the Church of *England*, an irreconcilable Enemy to our Nation; since we have found by our own Experience, that the Bishops went always along with the Court to enslave the Country; and since they concur'd in Parliament to exalt the Prerogative to that blasphemous height over Church and State it arriv'd to in the late Reigns, it must of necessity be the Interest of *Scotland* to oppose that Form of Government, and so much the more, that our Episcopal Party don't think it of Divine Institution, as appears by the first Act of *Lauderdale's* Second Parliament.

The Political Interest of Scotland to maintain a Presbyterian.

By parity of Reason it's our Interest to maintain Presbytery, because that Form has no dependence on the King of *England*, our Ministers have no Honours nor Benefices from him, and by consequence are under no such Temptations as the Bishops are, to act contrary to the Interest of their Country. Besides, Presbytery admits Laymen into all its Courts, which is absolutely necessary to prevent Ecclesiastical Ambition; it's an effectual Restraint upon them from decreeing such Doctrines as *Passive Obedience*, and hinders them from preaching Mankind out of their Lives and Estates, into a slavish Subjection to Princes: had it been otherwise, we have good reason to think that the Interest of the Country would not have carry'd so much as it did in the last General Assembly.

Because it depends not on the King of Engl.

From all this it will naturally result, that it's incumbent upon our Parliament to take Measures for securing the Church against such Threats as the Faction made use of to induce the Ministers to a Compliance. This is so much the more reasonable, because tho Presbyterian Ministers may comply with the Designs of Courts against the Liberties of the Subjects, Bishops must; and they are so much the more dangerous, because they have a Power in the Legislation, and are commonly so many Votes on the Court's side; whereas by the present Constitution, the Clergy have no such Power. If the Parliament of *Scotland* should demand from his Majesty a further Assurance for the Constitution of our Church, it's no more than what our Neighbours in *England* have from time to time done as to theirs, and wherein his Majesty did as readily comply with them. To this end it would seem to be no unreasonable Demand, if the Revenues of the Bishops that are not already appropriated to Pious Uses, were apply'd to the use of our *American* Colony. This is so much the less to be objected against, because the Establishment of our Plantation tends to the Propagation of the true Christian Faith; it would be an effectual way to prevent the Restitution of Episcopacy in this Nation, which can never be done without throwing all into confusion again, which would utterly obstruct our Trade: besides, it were but a just Re- gisal, since it is from those of the Episcopal Party in *England* that our *American* Settlement meets with the greatest Opposition there.

Scotland should endeavour to have further Security for their Church.

The Revenues of Bishops should be appropriated for the good of the Nation.

Why the Presbyterians join'd with the Court Party against our Colony.

If it be objected that those Revenues have fall'n to the King as *Ultimus Haeres*; we answer, that as we never see a King amongst us, there's no reason we should augment his Revenue; that the Parliament of *England* have appropriated to Publick Use the *Irish* Forfeitures, which by the ordinary Course of Law fell to the King, and that his Majesty is oblig'd by the Act establishing our Company, to obtain a Reparation of their Loss at the Publick Charge. All this being consider'd, such a Demand cannot any ways seem unreasonable, and so much the less, that this Fund is already settled, and would be no new Burden to the Subject.

These things we have the more insisted upon, because some People took the opportunity to improve the Proceedings of the Assembly to the disadvantage of the Presbyterians, and openly boasted of it as a Handle to restore Episcopacy. But we hope that neither this, nor any future Parliament of *Scotland* will be so impolitic as to attempt that. It's well enough known the Presbyterians look upon their Form of Church Government to be of Divine Institution, that most of them have suffer'd for't, and some hundreds of them have seal'd it with their Blood: therefore 'tis no wonder they should prefer it to all temporal Advantages whatever; and shew more than an ordinary Compliance with what they are told is the Mind of a Prince, whose Family and Person they have reason to esteem, and to whom they have been more oblig'd than ever they were to any. There's so much the less reason to wonder at their Compliance, when we consider what Endeavours there have been to persuade them, that the greatest Zealots for our *American* Settlement are their mortal Enemies, and seek their overthrow: Nor indeed have we any reason to wonder at the opposition of the Court, when his Majesty is inform'd that the Affair of *Darien* is a *Jacobite* Design at the bottom, and that a Presbyterian Lord should be so far possess'd with this Calumny, as to assert it in opposition to our Colony in the *English* House of Peers. Therefore it would seem to be incumbent upon our Parliament to inquire into the Authors of such malicious Suggestions. This is so much the more necessary, because our Enemies endeavour to maintain their own Cause, by creating in us a mutual distrust of one another, and dividing us amongst our selves by false Reports. Thus some of the greatest Men of our Kingdom, as well as the greatest Friends of our Colony, are sometimes traduced as carrying on a *Jacobite* Design; and at other times reproach'd as falling in with the Faction at Court, that have declar'd themselves so openly against our Country.

But to return to the Presbyterians, as we would not be thought to dissuade them, or others, from entertaining high and dutiful Thoughts of our most gracious Sovereign King *William*; yet, on the other hand, as they never believ'd Kings to be infallible, we would have them to beware how they fall in with such Measures as ill Men about his Majesty may put him upon in relation to our Country and Colony. We would not have them to lick up the Vomit of *Passive Obedience* that the Church of *England* hath spew'd out; and tho we would have them and all good Subjects to account his Majesty's Person Inviolable and Sacred, yet there's no reason that all about him should have the same Privilege, or be protected from Justice when they invade the Fundamental Laws of our Nation: nor would we have them to obstruct the Peoples demanding a Redress of Grievances, or not to concur with the Parliament to maintain their Authority which is so manifestly violated, for this would be a direct Breach of the Solemn League and Covenant, which obliges the Nation to maintain the Authority of Parliaments, as well as his Majesty's just Right and Prerogative.

It had been time long ago to have drawn to a Conclusion, but the Pressures we labour under are so many, that we hope they will make an Apology for the length of this Discourse.

It being evident that most of our Grievances proceed from his Majesty's Absence; and our Circumstances being so unhappy, that we are no more to expect our Kings should reside amongst us, we have no other Remedy but to address our selves to our Parliament, that they would take care to make up that want by good and wholesom Laws, which it's hop'd his Majesty will very readily agree to.

Many Particulars might be insisted upon, but those which seem most necessary, are;

What Laws are necessary in Scotland to supply the Absence of their Kings.

1. A Law for a New Parliament once in three Years, as our Neighbours in *England* have, that in future Reigns we may not be liable to be undone by a Band of Pensioners, under the Notion of Representatives.

2. That

2. That we may have the Benefit of a Habeas Corpus Act, as well as our Neighbouring Nations; and so much the more, that we seem intitled to demand it by the Claim of Right, against imprisoning Persons without expressing the Reason, and delaying to bring them to Trial.

3. That some effectual Method be taken to prevent spending so much of our Money in England by our Nobility and Gentry; this is a Disease which feeds upon the Vitals of our Nation, exhausts our Treasure, and consumes our Substance, which ought to circulate at home amongst our own poor People, who labour for it with the Sweat of their Faces. It depraves our Principles and Morals, as is but too demonstrable from many sad Instances. How many of those who liv'd unblamably at home, have been debauch'd by the licentious Practices and Example of the Court of England, and the bad Conversation they have met in London; and how much has their ill Example tended to spread the Contagion, when they return to their native Country!

There's nothing in the World that renders our Nation more contemptible in the Eyes of the English, than the frequent Recourse of our Nobility and Gentry to their Court; for they presently conclude that we are come to complain of one another, or to sue for Places and Pensions, and in any of these Cases they are sure to make their Advantage of us. They know well enough that the Favour of Minions, or of the Party that has most Interest at Court, is absolutely necessary for such Parties or Persons in our Nation as would succeed in their Suits to the King, and that we must either bribe the Favourites, or make a Sacrifice of the Interest of our Country to the Court (if not both) before we can obtain what we seek; they know likewise that for our Honour, we must make a Figure there answerable to those of the same Quality in England, which occasions our consuming a great deal of Money in their Country, and many times obliges Persons of Quality to run in Tradesmens Debts in London, and to mortgage their Estates for Security: All these things together keep us in a slavish Subjection to the English; which they being willing to perpetuate, use all possible Endeavours to nourish Discord amongst us, and to keep us low. This was plain from those barbarous Proceedings against the Presbyterians, which the Court of England fomented, and from the successive Impositions upon our Commerce, which they enacted in the late Reigns; and is equally demonstrable now, from their Practices against us, and raising Divisions amongst us in relation to our Trade.

The Recourse of the Nobility, &c. to Court, causes contempt of it in England.

This one would think should be sufficient to put our Parliament upon finding out Methods to prevent the constant Recourse of our Nobility and Gentry to London, and to take effectual Measures to have our Affairs duly represented to his Majesty, by such as it shall not be in the Power of the English Court, either to bribe, or to frighten from their Duty. It's humbly conceiv'd a Committee of Parliament, chosen by the Parliament it self at every Sessions, and accountable to them for their Administration, were most proper for that end, and that they should depute one or two of their Number to attend his Majesty constantly, with Power to send and recal them as they saw meet: for his Majesty's Secretary being his own Domestick, and by consequence under Command, and liable to be turn'd out at pleasure, cannot be presum'd to be so fit to be intrusted with the Affairs of a Nation, which is unhappily depriv'd of the Presence of their Sovereign, as Persons who are chosen by the Nation it self. This it's humbly conceiv'd would oblige the Court to have more regard to the Welfare of our Nation, and to be more cautious how they invade our Freedom and Rights, than hitherto they have been. It is not reasonable that we should be govern'd at home by his Majesty's Domesticks, and such as he pleases to join with them for Privy Counsellors. It's enough for them to attend his Majesty's Household Affairs: Nor is it at all proper that we should be govern'd by the Servants of a Prince, who in relation to us is not his own Master. The English Courtiers will be very angry at this Assertion (we doubt not) as they were at some of the like nature in the Inquiry into the Miscarriages of our Colony at Darien, and particularly that the King of Scots was a Prisoner in England; for which they burnt the Book as false, they themselves have now prov'd it to be true beyond contradiction, by telling him in their Address, that what he had done against us was agreeable to the sense of both Houses; and acquainting him further, that our Settlement at Darien is inconsistent with the Plantation-Trade of England. This is far from convicting us of Falshood, for saying they keep our King Prisoner, at on the contrary it is like putting him in Chains, to prove it to be true; saying thus declar'd, that our Interest is contrary to the Settlement of England,

The Parliament ought take care to prevent it.

The King of Scots in effect a Prisoner in England.

it's as good as if they had bid him look to himself, if he do any thing to encourage it; for by their Treatment of him in other respects, one may rationally infer that they would never have digested such Invasions upon their Sovereignty and Trade, so calmly as we have done.

We know that his Majesty's Circumstances, as to *England* and *Holland*, are made use of by our Courtiers to excuse those Invasions that have already been made upon our Sovereignty and Trade: But we hope this will be so far from prevailing with a *Scots* Parliament, to comply with the Measures of the Court, that it will rather put them upon effectual Methods to secure us against them; since our King is so unhappily circumstantiated, that he is not in a condition to perform his Duty to us, it's so much the more incumbent upon our Parliament to perform theirs; and to supply what his Majesty cannot do. He is as much our King, as if he were no way concern'd with *England* or *Holland*, and is as much oblig'd to promote our Interest, as if he had no other to promote but ours. If the Union of the Crowns make it otherwise, it is a fundamental and insupportable Defect in our Government, that makes it incapable of answering its End, which by the Laws of God and Man is the Good of the People, or govern'd Society; therefore the States of the Kingdom are concern'd to look to it, and redress it, as they will answer it to God, to the Nation, and their own Consciences. It's plain from the 13th of the *Romans*, which hath been so much wrested to maintain the wicked Doctrine of Passive Obedience and Non-resistance, that before Governments can lay any Claim from that Text to Submission or Revenue from the Subjects, they must make it appear that they are such Powers as are there describ'd, viz. Ministers of God for good to the Subjects; which is plain and demonstrable the King of *England* can never be to the People of *Scotland*, if the Union of the Crowns make him prefer or espouse their Interest to the Damage of ours, which the Houses of Parliament in *England* do plainly demand in their Addresses. From whence it's evident, that if these Grievances cannot be redress'd, such a Government is not what we are oblig'd to submit to by the Law of God.

What the Scots have done to the King who subjected them to *England*. As to our own Constitution, it's well enough known what our Ancestors did, in relation to those Kings that subjected us to the *English*, and how they vindicated themselves from that Invasion, both by their Pens and Swords, when we were reduc'd much lower by the Court of *England*, in conjunction with our own Traitors, than we are now. As to the Laws of Nations, whatever *Gulielmus Cardinalis* may possess some of his Brethren of the Clergy with to the contrary, we are sure that *Alexander Cardinalis*, *Jafon*, and *Imola* maintain, that a Prince who governs a free People cannot render them Slaves, or subject to the Dominion of another Prince; nor can the Barons of that Kingdom transfer the Prerogative of that Liberty they have receiv'd from their Ancestors, upon any other than their own Lord: and the famous *Bodin* says, if a King who is subject to none, do either of his own accord, or be forc'd against his Will to observe and obey another, he loses the Title and Rights of Majesty.

Ought not to submit their Freedom to evil Counsellors about the King. We see then into what a Condition these pernicious Counsellors, who have advis'd the King of *Scots* to do such things as make the Kingdom of *Scotland* subject to that of *England*, would bring his Majesty; we never lov'd any Prince so well as King *William*, and are willing still to sacrifice our Lives and Fortunes for him as our Lawful Sovereign. But there's no reason we should make a Surrender of our Freedom and Trade to the Humour of those pernicious Counsellors about him, who betray his Honour and Sovereignty in betraying ours: It being certainly more for his Majesty's Glory to be Sovereign of two Independent Kingdoms, than to be but Sovereign of one, and Vassal to himself for another.

From all this it follows, that the Parliament of *Scotland* have Right to address his Majesty, that such Persons as advise him to those things, ought to be remov'd from his Presence and Councils for ever, as Enemies to the Dignity of the Crown, and the Peace of the Nations.

What should be done for retrieving the Honour of Publick Justice. It were also proper for retrieving the Honour of our Publick Justice, that an Address should be made for removing those from his Presence and Councils, that stand charg'd with being privy to a Design to assassinate King *Charles* the Second, with having Pensions in the late Reigns for Secret Service, and with Accession to the Massacre of *Glenco*, and that the Actors of that Murder should be punish'd according to merit. Nor ought it to pass without Inquiry, by what means those Persons under Condemnation for a barbarous Rape, and other inhuman Treatment of the Lady *Lovett*, come to be repriev'd from time to time, to the Scandal

of the Justice of the Nation; and that one of them should be suffer'd not only to lurk in *England*, but have Access to our Great Men in the Government, tho a declar'd Rebel and Traytor, and ought to have suffer'd in *Scotland* for Theft and Murder. Certainly 'tis not for his Majesty's Honour that the Court should be made a Sanctuary for the blackest of Criminals, and much less that we should be govern'd by the Advice of any such, who besides have no Estate nor Interest in our Kingdom. But this is the effect of our not having insisted to have the chief Instruments of the Tyranny and Cruelty of the late Reigns made Publick Examples. Others are not only encourag'd to follow their Steps, but it seems our Administration must be chiefly intail'd upon Men of that Kidney.

It would also seem absolutely necessary, that an Inquiry should be made into those that advis'd the turning so many Persons of Quality out of Council, and other Posts of Honour and Advantage, for opposing a Standing Army, &c. last Sessions. This is not only contrary to the Claim of Right, which demands freedom of Debate and Speech in Parliament, but tends to the utter subversion of all our Liberties; for Parliaments are of no use if Members may not have liberty to vote there, according to the Dictates of Honour and Conscience. This is a plain demonstration that the Courtiers design to carry on an Interest opposite to that of the Country; and that we are riding Post to the Tyranny of the late Reigns. It shews also the height of Contempt for our Nation, since our Neighbours of *England* are not so treated; it being well enough known there, that Lords of the Bed-Chamber, and Officers of the Army, voted against a Standing Force in that Kingdom, without being turn'd out of their Posts, or any ways disgrac'd for it. To what a miserable Condition are we reduc'd then, when the Parliaments of *Scotland*, that formerly gave Laws to our Kings, cannot now espouse the Interest of their Country without being thus trod upon! This proves the absolute necessity of keeping Officers, and others that have dependence upon the Court, or Pensions from it, out of our Parliaments. Let us do all we can in that matter, the Court will have always more than its proportionable Influence there, by such Lords who have a dependence upon them, and those Officers of State that are allow'd to be in the House.

Turning out those that were against a Standing Army, contrary to the Claim of Right.

The Farming of the Customs by the Royal Burroughs, ought also to be taken into Consideration; for if that be found to have an Influence on their Votes in the House, it's as much against the Claim of Rights, as those Proceedings complain'd of there, that were judg'd to be equal to the King's naming that intire State of Parliament. It's therefore hop'd that the Royal Burroughs will, by their Behaviour in Parliament, vindicate themselves from all suspicion in this Matter, and that they will not concur with any Design against the Trade of the Nation, where they have so great a Concern; especially when they consider that the more Restraints there are upon it, of the less value will their Farm be, if it be thought fit that it should be continu'd.

Farming the Customs by the Royal Burroughs a Grievance.

We might enlarge in *Infinitum*, the Grievances and Wants of our Country are so many; but must draw to a Conclusion, after having propos'd some few things more.

It seems absolutely necessary our Parliament should inquire what good Laws are needful to secure our Constitution, and to provide for it accordingly. In order to this It would seem requisite, that a Committee should be appointed to consider what our States insisted on in 1641. as our Native Right, and what the *English* have obtain'd since the Revolution for securing their Liberty and Property. His Majesty, if he be allow'd by our Enemies to testify his Paternal Affection towards us, cannot, nor will not think it hard if we demand that, and more, since we are reduc'd so low by the Oppressions of former Reigns, have lost so much by the absence of our Kings, now almost for 100 Years, and are depriv'd of all hopes of seeing them reside amongst us any more.

The Damage we must of necessity sustain by that alone is very great, and not to be compensated by any Equivalent we can propose; for do what we can, our Princes must be educated in a Country, that, as his Majesty himself has often pleas'd to express, is like to interfere too often with us in point of Trade; and plainly sees they have no disposition to an Union with us, by which it might be prevented.

Damage of Scotland by their Kings not residing with them.

Since we are so unhappy, as to have our Princes educated by those who differ from us, both as to Church and State, and that by consequence they must needs be bred up in an Aversion for our Constitution, it's absolutely necessary we should

have Laws to secure it, otherwise it will be a perpetual Source of Discord betwixt Prince and People, and a Seminary of Division betwixt the two Nations; to prevent which as it's the Duty, so it ought to be the Care of every Prince that would shew himself to be a true Father to his Country.

That this Fear of creating in our Princes an Aversion for our Nation and Constitution, is but too well grounded; time past hath prov'd beyond Contradiction, and we wish that time to come may not prove it farther.

*Their Kings
have an
Aversion to
them since
the Union
of the
Crown.*

If we take but a cursory view of the Behaviour of our Kings to us since that Union, the Marks of their Aversion towards us stare us in the Face. King *James* our Sixth, and their First, tho a Native of *Scotland*, and swore, at his Accession to the Crown of *England*, he would visit us once in three Years, never came near us afterwards but once, and that only to strengthen the Faction amongst us, that had join'd with him in endeavouring to inflave us. King *Charles* I. tho likewise a Native of *Scotland*, the first time that ever he came near us after his Coronation, was with an arm'd Force to subdue us, because of our struggling against that Slavery of which his Father had laid the Foundation. Having after this, under pretence of a mock Treaty, sown the Seeds of an unnatural War, which soon after broke out in our Nation by *Montross*, and the *Irish* Rebels that join'd him, he never came near us more, till Necessity constrain'd him to flee to our Army. At that time, it's known we made honourable Terms for him with the *English*, and such indeed, as neither his Circumstances nor our own could oblige him to make good; which, considering the Provocations he had given us, and the Slights put upon us in all Treaties during that War, as is testify'd by *Whitlock* in his Memoirs, and other *English* Writers, could proceed from nothing but an exuberant Affection to a Prince that all along had testify'd such an Aversion for us.

His Son King *Charles* II. he came to us in his Distress; or to speak more truly, we invited him to a Crown when he had not so much as a Cottage, and expos'd our selves to Ruin and Devastation for his sake: yet after the Restoration he never came near us, but ungratefully overturn'd our Constitution in Church and State, cut off the Marquis of *Argile's* Head that set our Crown upon his own, and made those injurious Acts which ruin'd us in our Trade with *England*.

King *James* our VII. and their II. when chas'd from *England* as a Traitor, and in danger of being excluded from their Crown, we receiv'd him with open Arms, settled our Succession upon him, and turn'd the Ballance in *England* on his side. Yet he never once came near us afterwards, but by his Despotical Proclamations overturn'd the small Remains of our Liberties that his Brother had left, and wounded our Religion and Laws both at once.

King *William*, for whom we have shed so much of our Blood in *Britain*, *Ireland* and the *Netherlands*, and whom we allow'd a Standing Army when the Parliament of *England* would scarcely allow him his Guards, he hath never yet honour'd us with his Presence; and we see how we have been treated by wicked Counsellors about him, how our Sovereignty is trampled under foot, our Trade oppos'd, our Men starv'd, and our Colony by that means deserv'd. Certainly these Instances are enough to justify our Demands of having Laws for the Security of our Liberty, as good at least, if not better than those of our Neighbours, since our Kings have ever since the Union been in the hands of our Enemies, and that there's little probability of its ever being otherwise.

*What they
ought to do
to support
their Trade.*

To come to a Conclusion, our Trade is the thing that's now struck at: and tho we be a Sovereign free People, have Heads, Hearts, Hands, Commodities, Harbours, some measure of Shipping, and good Laws to incourage our carrying it on; yet our Neighbours will not allow us to do it, but break thro' all the Laws of God and Man to put a stop to it. Our King that should protect us, and go in and out before us, is in the hands of our Enemies, that plainly tell him our Trade is inconsistent with theirs, and that they expect the preference; and in a word, he is forc'd to act against us. What shall we do then? Because our King is a Prisoner, must our Parliament be so too? Because he cannot do what he would and what he ought, must not they do it neither? Because some of our Countrymen about him, and who have Posts under him, concur with our Enemies to betray us, must not the Representatives of our Country redress us? Must we who never allow'd our Princes, when at home and govern'd by our own Councils, to plead their Prerogative contrary to Law, suffer our Princes now, when govern'd by Foreign Councils, to swallow up our Laws and Constitution by pretended Prerogative?

We see that no Kings can either by the Laws of God or Man plead any Prerogative that's inconsistent with the good of the People, and our Kings least of any. Our Neighbours may boast of their *Magna Charta*, and other Privileges granted them by their Kings: We have something more glorious to boast of, and that is, our Kings have no Prerogative but what was granted them by us. Our Ancestors, who first inhabited this Island, did not receive their Lands from the Gift of a Conqueror or General, who afterwards made himself Prince, as happen'd to most other Nations in *Europe*; but being possess'd of a Country, we sent for *Fergus* and made him King, and let his eldest Son *Ferlegus* know to his Cost, that we chose a King for our own good, to be our General, fight our Battels, and not to luxuriate in Wealth and Pleasures; that ambitious Youngster was quickly made sensible that we never intended our Crown should be Hereditary in such a manner, as to be entail'd upon the Heads of Fools and Madmen. In like sort when we were banish'd the Island by the *Britans*, *Picts* and *Romans*, we sent from the *Western* Islands, where we kept Possession, for *Fergus* II. and made him King, and under his Conduct recover'd our Country. In a word, in all the Revolutions of Time and Government, it's plain from our Histories, that our Kings always receiv'd their Crowns at our Hands, upon such Conditions as we thought fit in the respective Junctures; from whence it follows, that our Kings have no Prerogative but what they must plead from Act of Parliament, and that whatever they cannot justify that way, is an Usurpation of that Right which we still keep in our Hands.

Kings of Scotland can't plead any Prerogative.

Our Case is not like that of other Nations who obtain'd their Privileges from the Favour and Clemency of their Conquerors, without whose Consent they could make no Laws; on the contrary we always reserv'd the Sovereign Power in our selves, and hence it was that our antient Parliaments or Meetings of the States did so frequently call our Kings to their Bar, and met without their Consent when the urgent Affairs of the Nation did require it. Hence it was that their Resolves had the force of a Law, whether their Kings consented or not; and that they de-thron'd them for Male-administration, as happen'd to *Baliol*, Queen *Mary* and others; and by that same Authority they forfeited the late King *James*.

The Sovereign Power of Scotland always in the People.

Is it not strange then, that we should now suffer our selves to be bubbled out of our Sovereignty and Trade by the idle Stories of Parasitical Courtiers, who tell us, *His Majesty is forc'd to grimace to please the English*? Will not all the World cry shame upon us, and Posterity curse us, if we be Hector'd out of our Liberties by the Bugbear of a Prerogative cry'd up by a mercenary Lawyer or two, who betray all Causes that ever they take in hand?

Such Gentlemen, we doubt not, will presently cry out Treason, and plead that this Book ought to be burnt as the *Inquiry* was in *England*; but if what is here said be not our antient and true Constitution, let us burn our Histories and Acts of Parliament that mislead us, let us cancel all our Acts establishing the Reformation, let us condemn our Claim of Right to the Flames, and abjure Parliaments for ever; let us cancel our Coronation-Oath, and to crown the Work, let us send over to *St. Germain's*, and pray the late King to return again, and govern us by his Absolute Power, uncontrollable Authority, and Proclamations cassing and annulling all our Laws; and to this let us promise him Obedience without Reserve.

If it be not this, it is something as bad the Faction seem to be aiming at, when they make Invasions upon our Sovereignty and Commerce, give frivolous Answers to all our Complaints, falsify Promises of Redress, murder our Subjects abroad by fraudulent Proclamations, delay the Meeting of our Parliament, tho' our bleeding Honour and Interest require it; forbid Petitioning for a Redress of those things by Proclamation, and seem rather to upbraid than to answer us when it is presented. If to give Money to keep up a Standing Army, to protect the Advisers of those Grievances, and compleat our Slavery, be of more consequence to the Nation than to have those Grievances redress'd, let us begin with that the Faction calls the King's Business; but if the Cries of an antient and gallant, tho' oppress'd Nation, that reach up to the Heavens, be of any weight, let's give the Redress of those Grievances the preference.

They ought to give the Preference to Redress of Grievances.

Our Company for trading to *Africa* and the *Indies*, have, by their Memorials and Addresses, asserted our Rights as became true Patriots of their Country. May it never be said we are so much degenerated, that our Parliament shall not as much undo the Company in this, as they are superior to them in Interest and Power! This Company is the Creature of our States (for the Faction will not suffer his Majesty to own it) therefore they are oblig'd in Honour and Duty to support it. We

Parliament should be as zealous for the Good of the Country as the Company.

hope

hope then it will be no unreasonable Request if the Nation desire, that the Money that was spent on a Mercenary Army to enslave us, be given for the Support of a Trading Company to enrich us; and that our Lawgivers would likewise be pleas'd to consider the Groans of our poor oppress'd People throughout the Kingdom, make Laws for encouraging our Husband-men to plant and inclose, to advance and encourage our Foreign and Fishing Trade, and to prevent the levying of our Men for *English* or any Foreign Service. Must we be perpetually condemn'd to breed up Men to be destroy'd in the Defence of other Nations, after we have been at the Expence of their Maintenance and Education? Must we still be depriv'd of the Fruits of their Labour that should reward us, and of their Offspring which would strengthen and enrich us? What vast Sums do we lose every Year by the Multitudes of our People, that are forc'd to go abroad for want of Employment at home? And how much our want of good Laws to encourage their Industry, and secure their Property, discourages such of them from returning again. as acquire Estates and Substance abroad, is obvious from many Instances, but from none more than that late one of Sir *William Brown*, the great *Dantzick* Merchant, who, upon that account, chuses rather to become a Purchaser in *England*, than to return to his Native Country.

The Grievances of Scotland to be redress'd only by Parliament.

Thus we have spoke our Mind freely, as we think it incumbent upon all true Scots Men in this present Juncture to do. The Grievances here pointed at, are to be remedy'd no otherwise but by Parliament: and tho it be scarcely consistent with our Safety, that one Parliament should continue so long as this has done, because of Members being liable to Temptations by Pensions or Places; yet there may perhaps be a Providence in it, that God would reserve the Honour of compleating our Deliverance from Tyranny, by the same Parliament that had so gloriously commenc'd it. Our Kingdom never had greater Provocation to resent the Treatment of wicked Counsellors than at present, nor could we expect a more favourable Opportunity for it. The House of Commons in *England* have set us a noble Example, pour'd Ignominy and Contempt upon some of those evil Counsellors, and have squeez'd the Purfes of others; we have as good reason, as far as our Case requires it, to take the same Method. We have reason to apprehend that our Grievances proceed from some of the same Persons. It's well enough known that those by whom we are chiefly govern'd have all their dependance upon them; and since we find them to be such as are capable of Bribes, to give his Majesty such Advices as are inconsistent with his Promises to the Parliament of *England*, and by them declar'd capable of creating a Misunderstanding and Jealousy betwixt him and that People, why should we not think they are guilty of the same things in relation to us? If they be such as take Money to act contrary to the Interest of that potent Nation, what should hinder them from taking Bribes to ruin the Honour and Trade of ours? If they shew such favour to *Irish* Papists against the Interest of *Great Britain*, and the Protestant Religion, why may they not take Bribes from the *Spaniards* or *French*, nay from the Pope himself, to oppose our Settlement in *America*, since he dreads it so much? At the same time it's known we have Enemies nearer home, and such as understand the Art of Bribing too: They have declar'd themselves so much in opposition to our foreign Trade, as demonstrates they would not grudge some Money to have it totally obstructed. This makes it necessary to inquire how our Treasury has been manag'd at home, which way our Forfeitures here have been dispos'd of, and whether we have any within our own Bowels that have the Art of taking Money, or are possess'd with Souls mean enough to become Deputy Pensioners to those great ones. It were one good way to try it, to see who would oppose a Vote in Parliament, that such as shall be found guilty of taking Bribes, Pensions or Places, to vote for a Standing Army, and against a Tax for maintaining our *American* Colony, be for ever declar'd incapable of sitting in Parliament, or of bearing any publick Office in the Kingdom. This is so much the more necessary, that 'tis openly discours'd in *England*, as if a great Sum of Money were to be dispos'd of for that end, and that Precepts are drawn to pay it accordingly upon the opening of our Parliament. It's to be hop'd that none of our Nobility and Gentry, who have been formerly so renown'd for gallantly defending their Country, will be bought off from espousing its Interest in this critical Juncture. Pensions and Places can't be assur'd to their Posterity; whereas the Shame and Ignominy of such a Practice will render their Name and Memory as execrable to the *Scottish* Nation as are those of the infamous *Baliol* and *Menteith*, and be eternal Monuments of Disgrace and Reproach to their Families.

The Massacre of GLENCO:

Being a True Narrative of the barbarous Murder of the Glenco Men in the Highlands of Scotland, by way of Military Execution, on the 13th of February, 1692.

Containing the Commission under the Great Seal of Scotland, for making an Inquiry into that Horrid Murder: The Proceedings of the Parliament of Scotland upon it: The Report of the Commissioners upon the Inquiry, laid before the King and Parliament, and the Address of the Parliament to King William for Justice upon the Murderers.

Faithfully extracted from the Records of Parliament, and publish'd for undeceiving those who have been impos'd upon by false Accounts.

SIR, I have the honour to receive your letter of the 10th inst.

IN answer to yours of the First of October, I herewith send you from the Records of our Parliament, a true and authentick Account of the Massacre of Glenco; as you rightly call it. I wish this Matter could have been forgotten to Eternity; but since you say it is altogether needful for the Vindication of the Justice of our Country, against many false, slanderous Accounts that are daily given of that Business in England, am willing you print what I now send you; and that you may be furnish'd to answer all objections against the Truth of this Narrative, you may inform any English Man of Quality, that is willing to be satisfy'd in the Matter, that the Report of the Commission, the Address of our Parliament herewith sent you, and the Duplicates of the Lord Stair's Letters, are, or were at least in the Scots Secretaries Office at London: Or if they should appear to be withdrawn from thence, they may inform themselves fully in the Truth of it from Mr. Johnston, who was at that time Secretary of State for Scotland; and had particular Directions from the late Queen Mary to push on this Inquiry, and search into the bottom of that horrid Murder; for her Majesty was griev'd at the Heart, that the reputation of the King her Husband should have suffer'd so much by that Affair. I would not, however, that Mr. Johnston should know any thing of your Design to publish this: tho you know as well as I that his Diligence to serve and obey the Queen in this Matter, was always judg'd here to be one of the chief Causes of our Nation's losing that able and honest Minister; yet he is so nice in point of Honour, that he chus'd rather to be unkind to himself, and to lie under Imputations, than to give any part of those Papers to be publish'd, tho frequently urg'd to it, because he said it would be undecent in him, that had been his Majesty's Secretary, to do any such thing. Therefore, tho you are carefully conceal this Matter from him till it be publish'd, yet as soon as it is, I must pray you, you think it proper, to go and tell him, that I beg his Pardon for making this Appeal to him, without his Leave: And tho I may suffer in his good Opinion by what I have done, if this Publication may any ways oblige him to do himself, his late Master, and his Country further Justice, by telling what he knows more of the Matter, I shall be the easier for his Displeasure. I had almost forgot to notice, That the Duke of Athol, the Lord Chancellor, and Marquis of Annandale, all now at London, were Members of the Commission, who made the inclos'd Report; and howsoever scrupulous they may have been in point of Honour, to communicate any Papers relating to this Matter, they cannot in honour but own that this History is authentick, if any of the English Nobility think fit to enquire of them about it: but you must be careful to let none of them know any thing of your

your Design to publish it, or which way you have this Information; tho if they should come to know it, I chuse rather to incur their Displeasure, by appealing to them, than to omit any thing that lies in my Power, to vindicate the Honour and Justice of our Country.

Edinburgh, Nov. 1. 1703.

Commission for Trial of the Slaughter committed at Glenco, upon the 13th Day of February, 1692.

K. Will.
Commission
for exam-
ining in-
to the
Massacre.

Gulielmus Dei Gr. Mag. Brit. &c. Omnibus probis hominibus, ad quos præ-
sentes Literæ nostræ pervenerint, salutem. Quandoquidem nos consideran-
tes, quod etiam si nos, Anno Dom. 1693. per expressam Instructionem, potesta-
tem concessimus de mortuo Gulielmo Duci de Hamilton, aliisque, pro examinando
& inquirendo de cæde quorundam Cognominis de Macdonald aliorumque de Glenco,
Anno Dom. 1692. & de modo & de methodo Commissionis ejusdem; nihilominus
Inquisitio quæ tunc facta erat in prosecutione dictæ Instructionis defectiva erat,
nosque etiam perpendentes, quod Methodus maxime efficax pro plena Informatione
accipienda de veris Circumstantiis Rei antedictæ, erit Commissio in hunc effectum,
cumque nobis abunde satisfactum sit de facultatibus & aptitudine personarum infra
nominatarum in fines supra expressos; Sciatis igitur nos nominasse & constituisse te-
noreque præsentium, nominare & constituere fidelissimos & dilectissimos nostros
Consanguineos & Consiliarios, Joannem Marchionem de Tweddale supremum no-
strum Cancellarium, & Gulielmum Comitem d' Annandale, & fideles & dilectos
nostros Consiliarios, Joannem Dominum Murray, Dom. Jacobum Stuart, Advocata-
tum nostrum, Adamum Cockburn de Ormiston nostrum Justitiarium Clericum, Ma-
gistrum Archib. Hope de Rankeiller, & Dom. Guliel. Hamilton de Whitelaw Sena-
tores nostri Collegii Justitiæ, Dom. Jacobum Ogilvy Sollicitatorem nostrum, &
Adamum Drummond de Meggins (quorum quinque Numerus erit legitimus, ac
cum potestate iis Clericum suum eligendi) Commissionarios nostros, pro capiendâ
præcognitione & Inquisitionem faciendo de Cæde prædicta, per quos & quomodo,
& per quam Coloratam Authoritatem commissâ erat, atque in ordine ad detectio-
nem ejusdem cum potestate dictis Commissionariis, requirendi omnia Warranta
seu directiones quæ eatenus concessa fuere, atque etiam examinandi omnes perso-
nas, quæ in re antedicta Negotium habuere; atque etiam Testes prout necessarium
invenietur, sive per eorum Juramenta, sive Declarationes, & tunc postea dicti Com-
missionarii nobis transmittent verum statum rei antedictæ, una cum Probationibus &
Testimoniis coram ipsis adducendis, uti post debitam & plenam Informationem, ne-
cessarias Directiones, eatenus concedamus prout nobis congruum videbitur. In cu-
jus Rei Testimonium, presentibus, magnum Sigillum nostrum appendi mandavi-
mus. Apud Aulam nostram de Kensington, vigesimo nono die Mensis Aprilis, An-
no Domini, Millesimo Sexcentesimo Nonagesimo Quinto, Annoque Regni nostri
Septimo.

Per Signaturam Manu. S. D. N. Regis superscriptam.

Written to the Great Seal and Reg. May 20. 1695.

Don. Rannald, Deput.

Seal'd at Edinburgh, May 20. 1695.

Jo. Dickson.

In English thus.

William, by the Grace of God, King of Great Britain, &c. To all good Men to whom these Presents shall come, Greeting. Whereas we have taken into Consideration, that tho in the Year of our Lord 1693. we gave Power, by express Instructions, to William Duke of Hamilton decess'd, and others, to examine and inquire into the Slaughter of certain People of the Name of Macdonald and others in Glenco, in the Year 1692. and into the Way and Manner how the same was committed, yet nevertheless, the Inquiry then made, pursuant to the said Instructions, was defective; and considering likewise, that the most effectual Method for receiving full Information of the true Circumstances of the Matter aforesaid, must be by a Commission to that Effect; and being very well satisfied of the Abilities and Fitness of the Persons under-nam'd, for the Ends before express'd: Know ye therefore that we have nam'd and constituted, and by the Tenor of these Presents do name and constitute, our Right Trusty and well-belov'd Cousin and Counsellor, John Marquiss of Tweeddale, our High Chancellor, and William Earl of Annandale, and our Trusty and Beloved Counsellors, John Lord Murray, Sir James Stuart our Advocate, Adam Cockburn of Ormiston our Justice Clerk, Mr. Archbald Hope of Rankeilier, and Sir William Hamilton of Whitelaw, Senators of our College of Justice, Sir James Ogilvy our Solicitor, and Adam Drummond of Meggins (of whom five shall be a Quorum, and granting them Power to chuse their own Clerk) our Commissioners, to take Precognition and make Inquiry into the Slaughter aforesaid, by whom and how, and by what Colour of Authority the same was committed: And in order to the Discovery of the same, we give Power to the said Commissioners to send for all Warrants and Directions granted for that End; and likewise to examine all Persons that had any hand in the Business aforesaid, and likewise to examine Witnesses as shall be found necessary, either on Oath or Declaration; and afterwards the said Commissioners shall transmit to us the true State of the Matter aforesaid, together with the Proofs and Evidence that shall be brought before them, that after due and full Information, we may give such Directions thereupon, as to us shall seem meet and necessary. In Testimony whereof, we have commanded by Great Seal to be appended to these Presents.

Given at our Court at Kensington, the 29th Day of April, 1695. and of our reign the Seventh.

Superscrib'd by the Signature of the Hand-writing of our most Serene Lord the King.

Written to the Great Seal, and Register'd the 20th Day of May, 1695.

Don. Rannald, Deput.

Seal'd at Edinburgh, May 20. 1695.

Jo. Dickson.

Upon the 22d of May, 1695. this Commission was read in Parliament, and the House voted *Nemine Contradicente*, That his Majesty's High Commissioner transmit the humble Thanks of the Parliament to his Majesty, for ordering an Inquiry into that Matter, whereby the Honour and Justice of the Nation might be vindicated. Which was read in Parliament for, which they return Thanks to the King. It being urg'd that the Commission should proceed with Diligence, as being a National Concern, and that the Discovery be made known to the House before its Adjournment; his Grace assur'd them, that he doubted not of his Majesty's giving Satisfaction to his Parliament in that Point, and that before they parted. The Commissioners proceeded according to Order, and made the following Re-

Report of the Commission given by his Majesty, for inquiring into the Slaughter of the Men of Glenco, subscrib'd at Halyrud-House the 20th Day of June, 1693.

The Commissioners Report of their Proceedings.

JOHN Marquis of Tweeddale, Lord High Chancellor of Scotland, William Earl of Annandale, John Lord Murray, Sir James Stuart his Majesty's Advocate, Adam Cockburn of Ormistoun, Lord Justice Clerk, Sir Archbald Hope of Rankeiller, and Sir William Hamilton of Whitelaw, two of the Senators of the College of Justice, Sir James Ogilvy his Majesty's Solicitor, and Adam Drummond of Meggins, Commissioners appointed by his Majesty, by his Commission under the Great Seal of the Date the 29th of April last past, to make Inquiry, and to take Trial and Precognition about the Slaughter of several Persons of the Sirname of Macdonald and others in Glenco, in the Year 1692. by whom and in what manner, and by what pretended Authority the same was committed, with Power to call for all Warrants and Directions given in that Matter; as also to examine all Persons who had a hand therein, with what Witnesses they should find necessary, either upon Oath or Declaration, and to report to his Majesty the true State of the said Matter, with the Evidence and Testimonies to be adduc'd before them, as the said Commission more amply bears: Having met and qualify'd themselves by taking the Oath of Allegiance and Assurance, conform to the Act of Parliament, with the Oath de Fidelit, as use is in such Cases, did, according to the Power given to them, chuse Mr. Alexander Monro of Beircroft to be their Clerk; and he having also qualify'd himself as above, they proceeded into the said Inquiry, to call for all Warrants and Directions, with all such Persons as Witnesses, that might give light in the said Matter; and having consider'd the foresaid Warrants and Directions produc'd before them, and taken the Oaths and Depositions of the Witnesses, undernam'd, they with all submission lay the Report of the whole Discovery made by them before his Majesty in the order following. And, *First*, Of some things that preceded the said Slaughter. *Secondly*, Of the Matter of Fact, with the Proofs and Evidence taken, when and in what manner the same was committed. *Thirdly*, Of the Warrants and Directions that either really were, or were pretended for the committing it. And, *Lastly*, The Commissioners humble Opinion of the true State and Account of that whole Business.

The Method of their Proceeding.

What preceded the Murder.

E. of Braidalbin quarrels with Glenco, &c.

The Things to be remark'd preceding the said Slaughter, were, That it's certain that the Lairds of Glenco and Auchinriaten, and their Followers, were in the Insurrection and Rebellion made by some of the Highland Clans, under the Command first of the Viscount of Dundee, and then of Major General Buchan in the Years 1689 and 1690. This is acknowledg'd by all. But when the Earl of Braidalbin call'd the Heads of the Clans, and met with them in Auchallader in July 1691. in order to a Cessation, the deceas'd Alexander Macdonald of Glenco was there with Glengary, Sir John Macleane and others, and agreed to the Cessation, as it is also acknowledg'd: But the deceas'd Glenco's two Sons, who were at that time with their Father in the Town of Auchallader, depone, that they heard that the Earl of Braidalbin did at that time quarrel with the deceas'd Glenco about some Cows that the Earl alledg'd were stolen from his Men by Glenco's Men; and that tho they were not present to hear the Words, yet their Father told them of the Challenge. And the two Sons, with Ronald Macdonald, Indweller in Glenco, and Ronald Macdonald in Innerriggen in Glenco, do all depone, That they heard the deceas'd Glenco say, that the Earl of Braidalbin at the Meeting of Auchallader threatened to do him a mischief, and that he fear'd a mischief from no Man so much as from the Earl of Braidalbin, as their Depositions at the Letter A in the Margin bears. And Alexander Macdonald, second Son to the deceas'd Glenco, doth farther depone, That he hath often heard from his Father and others, that there had been in former times Blood betwixt Braidalbin's Family and their Clan, as his Deposition at the same

same Mark bears. And here the Commissioners cannot but take notice of what hath occur'd to them in two Letters from Secretary *Stair* to Lieutenant-Colonel *Hamilton*, one of the 1st, and another of the 3^d of *December*, 1691. wherein he expresses his Resentment from the marring of the Bargain that should have been betwixt the Earl of *Braidalbin* and the Highlanders to a very great height, charging some for their Despise against him, as if it had been the only hindrance of that Settlement: Whence he goes on in his of the Third of *December* to say, That since the Government cannot oblige them, it is oblig'd to ruin some of them to weaken and frighten the rest, and that the *Macdonalds* will fall in this Net; and, in effect, seems even from that time, which was almost a Month before the expiring of the King's Indemnity, to project with Lieutenant Colonel *Hamilton* that some of them should be rooted out and destroy'd. His Majesty's Proclamation of Indemnity was publish'd in *August* 1691, offering a free Indemnity and Pardon to all the Highlanders who had been in Arms, upon their coming in and taking the Oath of Allegiance betwixt that and the first of *January* thereafter: And in compliance with the Proclamation, the deceas'd *Glenco* goes about the end of *Decemb.* 1691. to Colonel *Hill*, Governor of *Fort-William* at *Inverlochie*, and desir'd the Colonel to minister to him the Oath of Allegiance, that he might have the King's Indemnity. But Colonel *Hill* in his Deposition, mark'd with the Letter *B*, doth farther depone, That he hasten'd him away all he could, and gave him a Letter to *Ardkinlas* to receive him as a lost Sheep; and the Colonel produces *Ardkinlas*'s Answer to that Letter, dated the 9th of *January*, 1691. bearing, that he had endeavour'd to receive the great lost Sheep *Glenco*, and that *Glenco* had undertaken to bring in all his Friends and Followers, as the Privy Council should order: and *Ardkinlas* further writes, that he was sending to *Edinburgh*, that *Glenco*, tho he had mistaken in coming to Colonel *Hill* to take the Oath of Allegiance, might yet be welcome, and that thereafter the Colonel should take care that *Glenco*'s Friends and Followers may not suffer, till the King and Council's Pleasure be known, as the said Letter mark'd on the back with the Letter *B* bears. And *Glenco*'s two Sons above-nam'd do depone in the same manner, That their Father went about the end of *December* to Colonel *Hill* to take the Oath of Allegiance; but finding his Mistake, and getting the Colonel's Letter to *Ardkinlas*, he hasten'd to *Inverary* as soon as he could for the bad Way and Weather, and did not so much as go to his own House in his way to *Inverary*, tho he pass'd within half a Mile of it, as both their Depositions at the Letter *B* bears. And *John Macdonald*, the eldest Son, depones farther at the same mark, That his Father was taken in his way by Captain *Drummond* at *Barraldin*, and detain'd 24 Hours.

Glenco goes to Col. Hill to make his Submission.

Sir *Colin Campbel* of *Ardkinlas*, Sheriff-Deputy of *Argile*, depones, That the deceas'd *Glenco* came to *Inverary* about the beginning of *January*, 1692. with a Letter from Colonel *Hill* to the effect above-mention'd, and was three days there before *Ardkinlas* could get thither, because of bad Weather; and that *Glenco* said to him, That he had not come sooner, because he was hinder'd by the Storm. And *Ardkinlas* farther depones, That when he declin'd to give the Oath of Allegiance to *Glenco*, because the last of *December*, the time appointed for the taking of it, was past, *Glenco* beg'd with Tears that he might be admitted to take it, and promis'd to bring in all his People within a short time to do the like; and if any of them refus'd, they should be imprison'd or sent to *Flanders*. Upon which *Ardkinlas* says, He did administer to him the Oath of Allegiance upon the 6th of *January*, 1692. and sent a Certificate thereof to *Edinburgh*, with Colonel *Hill*'s Letter to *Colin Campbel*, Sheriff-Clerk of *Argile*, who was then at *Edinburgh*; and further wrote to the said *Colin* that he should write back to him, whether *Glenco*'s taking of the Oath was allow'd by the Council or not, as *Ardkinlas*'s Deposition at the Letter testifies. And the said *Colin*, Sheriff-Clerk, depones, That the foresaid Letters, and the Certificate relating to *Glenco*, with some other Certificates relating to some other Persons, all upon one Paper, were sent in to him to *Edinburgh* by *Ardkinlas*; which Paper being produc'd upon Oath by Sir *Gilbert Elliot*, Clerk of the Secret Council, but roll'd and scor'd as to *Glenco*'s Part, and his taking the Oath of Allegiance, yet the Commissioners found that it was not so delete or dash'd, that it may be read that *Glenco* did take the Oath of Allegiance at *Inverary* the 6th day of *Jan.* 1692. And the said *Colin Campbel* depones, That it came to his and fairly written, and not dash'd; and that with this Certificate he had the said Letter from *Ardkinlas* (with Col. *Hill*'s abovemention'd Letter to *Ardkinlas* inclos'd) bearing, how earnest *Glenco* was to take the Oath of Allegiance, and that he had

Begs with Tears that he might be admitted to take the Oath of Allegiance.

Takes it, a Certificate thereof sent to Edinburgh.

Why his
Submission
was not re-
ceiv'd.

taken it upon the 6th of January, but that *Ardkinlas* was doubtful if that the Council would receive it: and the Sheriff Clerk did produce before the Commissioners the foresaid Letter by Colonel *Hill* to *Ardkinlas*, dated at *Fort William* the 31st day of Decemb. 1691. and bearing, that *Glenco* had been with him, but slip'd some Days out of Ignorance; yet that it was good to bring in a lost Sheep at any time, and would be an Advantage to render the King's Government easy. And with the said Sheriff Clerk, the Lord *Aberuchil*, Mr. *John Campbel*, Writer to the Signet, and Sir *Gilbert Elliot*, Clerk to the Council, do all declare, That *Glenco's* taking the Oath of Allegiance, with *Ardkinlas's* foresaid Certificate, as to his Part of it, did come to *Edinburgh*, and was seen by them fairly written, and not scor'd or dash'd; but that Sir *Gilbert* and the other Clerk of the Council refus'd to take it in, because done after the Day appointed by the Proclamation. Whereupon the said *Colin Campbel*, and Mr. *John Campbel*, went, as they depone, to the Lord *Aberuchil*, then a Privy Counsellor, and desir'd him to take the Advice of Privy Counsellors about it; and accordingly they affirm that *Aberuchil* said he had spoke to several Privy Counsellors, and partly to the Lord *Stairs*, and that it was their Opinion that the foresaid Certificate could not be receiv'd without a Warrant from the King, and that it would neither be safe to *Ardkinlas*, nor profitable to *Glenco*, to give in the Certificate to the Clerk of the Council; and this the Lord *Aberuchil* confirms by his Deposition, but doth not name therein the Lord *Stair*. And *Colin Campbel*, the Sheriff-Clerk, does farther depone, That with the knowledg of the Lord *Aberuchil*, Mr. *John Campbel*, and Mr. *David Moncrief*, Clerk to the Council, he did by himself, or his Servant, score or delete the foresaid Certificate, as now it stands scor'd, as to *Glenco's* taking the Oath of Allegiance, and that he gave it in so scor'd or obliterate to the said Mr. *David Moncrief*, Clerk of the Council, who took it in as it is now produc'd. But it doth not appear by all these Depositions, that the Matter was brought to the Council-Board, that the Council's Pleasure might be known upon it, tho it seems to have been intended by *Ardkinlas*, who both writ himself, and sent Colonel *Hill's* Letter for to make *Glenco's* Excuse, and desir'd expressly to know the Council's Pleasure.

After that *Glenco* had taken the Oath of Allegiance, as is said, he went home to his own House; and, as his own two Sons above-nam'd depone, he not only liv'd there for some days quietly and securely, but call'd his People together, and told them he had taken the Oath of Allegiance, and made his Peace, and therefore desir'd and engag'd them to live peaceably under King *William's* Government, as the Depositions of the said two Sons, who were present, mark'd with the Letter *E*, bear.

The manner of committing the Massacre at Glenco.

These things having preceded the Slaughter, which happen'd not to be committed until the 13th of February, 1692. six Weeks after the deceas'd *Glenco* had taken the Oath of Allegiance at *Inverary*, the Slaughter of the *Glenco* Men was in this manner, viz. *John* and *Alexander Macdonalds*, Sons to the deceas'd *Glenco*, depone, That *Glenary's* House being reduc'd, the Forces were call'd back to the South, and *Glenlyon*, a Captain of the Earl of *Argile's* Regiment, with Lieutenant *Lindsay* and Ensign *Lindsay*, and six score Soldiers, return'd to *Glenco* about the 1st of February, 1692. where, at their Entry, the elder Brother *John* met them with about 20 Men, and demanded the reason of their coming; and Lieutenant *Lindsay* shew'd him his Orders for quartering there under Colonel *Hill's* Hand, and gave assurance that they were only come to Quarter; whereupon they were billeted in the Country, and had free Quarters and kind Entertainment, living familiarly with the People until the 13th day of February. And *Alexander* further depones, That *Glenlyon* being his Wife's Uncle, came almost every day and took his Morning Drink at his House; and that the very Night before the Slaughter, *Glenlyon* did play at Cards in his own Quarters with both the Brothers. And *John* depones, That old *Glenco* his Father had invited *Glenlyon*, Lieutenant *Lindsay* and Ensign *Lindsay*, to dine with him upon the very day the Slaughter happen'd. But on the 13th day of February, being Saturday, about four or five in the Morning, Lieutenant *Lindsay*, with a Party of the foresaid Soldiers, came to old *Glenco's* House, where having call'd in a friendly manner, and got in, they shot his Father dead with several Shots as he was rising out of his Bed; and the Mother having got up and put on her Clothes, the Soldiers strip'd her naked, and drew the Rings off her Fingers with their Teeth; as likewise they kill'd one Man more, and wounded another grievously at the same place. And this Relation they say they had from their Mother, and is confirm'd by the Deposition of *Archbald Macdonald* Indweller in

Glenco;

Glenco; who farther depones that *Glenco* was shot behind his Back with two Shots, one thro the Head, and another thro the Body; and two more were kill'd with him in that place, and a third wounded and left for dead. And this he knows, because he came that same day to *Glenco's* House, and saw his dead Body lying before the Door, with the other two that were kill'd, and spoke with the third that was wounded, whose Name was *Duncan Don*, who came there occasionally with Letters from the Brae of *Mar*.

The said *John Macdonald*, eldest Son to the deceased *Glenco*, depones, the same morning that his Father was kill'd, there came Soldiers to his House before Day, and call'd at his Window, which gave him the Alarm, and made him go to *Inverriggen*, where *Glenlyon* was quarter'd, and that he found *Glenlyon* and his Men preparing their Arms, which made the Deponent ask the cause; but *Glenlyon* gave him only good words, and said they were to march against some of *Glengary's* Men, and if there were ill intended, would not he have told *Sandy* and his Niece? meaning the Deponent's Brother and his Wife; which made the Deponent go home and go again to his Bed, until his Servant, who hinder'd him to sleep, rais'd him. And when he rose and went out, he perceiv'd about twenty Men coming towards his House, with their Bayonets fix'd to their Muskets; whereupon he fled to the Hill, and having *Auchnaion*, a little Village in *Glenco*, in view, he heard the Shots wherewith *Auchinriaten* and four more were kill'd; and that he heard also the Shots at *Inverriggen*, where *Glenlyon* had caus'd to kill nine more, as shall be hereafter declar'd. And this is confirm'd by the concurring Deposition of *Alexander Macdonald* his Brother, whom a Servant wak'd out of sleep, saying, *It is no time for you to be sleeping, when they are killing your Brother at the Door*; which made *Alexander* to flee with his Brother to the Hill, where both of them heard the foresaid Shots at *Auchnaion* and *Inverriggen*. And the said *John, Alexander*, and *Archibald Macdonald* do all depone, that the same morning there was one Serjeant *Barber* and a Party at *Auchnaion*, and that *Auchinriaten* being there in his Brother's House with eight more sitting about the Fire, the Soldiers discharg'd upon them about eighteen Shot, which kill'd *Auchinriaten* and four more; but the other four, whereof some were wounded, falling down as dead, Serjeant *Barber* laid hold on *Auchinriaten's* Brother, one of the four, and ask'd him if he were alive? He answer'd, that he was, and that he desir'd to die without rather than within: *Barber* said, that for his Meat that he had eaten, he would do him the Favour to kill him without; but when the Man was brought out, and Soldiers brought up to shoot him, he having his Plaid loose, flung it over their Faces, and so escap'd; and the other three broke thro the Back of the House, and escap'd: And this Account the Deponents had from the Men that escap'd. And at *Inverriggen*, where *Glenlyon* was quarter'd, the Soldiers took other nine Men, and did bind them hand and foot, kill'd them one by one with Shot. And when *Glenlyon* inclin'd to save a young Man of about twenty years of Age, one Captain *Drummond* came and ask'd how he came to be sav'd, in respect of the Orders that were given, and shot him dead. And another young Boy of about thirteen years ran to *Glenlyon* to be sav'd, he was likewise shot dead: And in the same Town there was a Woman and a Boy about four or five years of Age kill'd: And at *Auchnaion* there was also a Child miss'd, and nothing found of him but the Hand. There were likewise several kill'd at other Places, whereof one was an old Man about eighty years of age. And all this the Deponents say they affirm, because they heard the Shot, saw the dead Bodies, and had an account from the Women that were left. And *Ronald Macdonald*, Indweller in *Glenco*, farther depones, that he being living with his Father in a little Town of *Glenco*, some of *Glenlyon's* Soldiers came to his Father's House, he said 13th of February in the morning, and drag'd his Father out of his Bed, and knock'd him down for dead at the door; which the Deponent seeing, made his Escape, and his Father recovering after the Soldiers were gone, got into another House; but this House was shortly burnt, and his Father burnt in it: and he Deponent came there after, and gather'd his Father's Bones, and burnt them. He also declares, that at *Auchnaion*, where *Auchinriaten* was kill'd, he saw the body of *Auchinriaten* and three more cast out and cover'd with Dung. And another Witness of the same declares, that upon the same 13th of February, *Glenlyon* and Lieutenant *Lindsay*, and their Soldiers, did in the morning before Day fall upon the People of *Glenco* when they were secure in their Beds, and kill'd them; and he being at *Inverriggen*, fled with the first, but heard Shots, and had two Brothers kill'd there, with three Men more and a Woman, who were all bury'd before

Glenco's eldest Son first alarm'd, and got away.

Glenlyon's Men kill'd nine at *Inverriggen*.

How *Auchinriaten's* Brother escap'd.

he came back. And all these five Witnesses concur, that the foresaid Slaughter was made by *Glenlyon* and his Soldiers, after they had been quarter'd, and liv'd peaceably and friendly with the *Glenco* Men about 13 days, and that the number of those whom they knew to be slain were about 25; and that the Soldiers after the Slaughter did burn the Houses, Barns and Goods, and carry'd away a great Spoil of Horse, Nolt, and Sheep, above a thousand. And *James Campbel*, Soldier in the Castle of *Sterling*, depones, that in *January* 1692. he being then a Soldier in *Glenlyon's* Company, march'd with the Company from *Inverlochbie* to *Glenco*, where the Company was quarter'd, and very kindly entertain'd for the space of fourteen days; that he knew nothing of the Design of killing the *Glenco* Men, till the Morning that the Slaughter was committed; at which time *Glenlyon* and Captain *Drummond's* Companies were drawn out in several Parties, and got Orders from *Glenlyon* and their other Officers to shoot and kill all the Countrymen they met with: And that the Deponent being one of the Party which was at the Town where *Glenlyon* had his Quarters, did see several Men drawn out of their Beds, and particularly he did see *Glenlyon's* own Landlord shot by his Order, and a young Boy of about twelve years of Age, who endeavour'd to save himself by taking hold of *Glenlyon*, offering to go any where with him if he would spare his Life, and was shot dead by Captain *Drummond's* Order: And the Deponent did see about eight Persons kill'd, and several Houses burnt, and Women flying to the Hills to save their Lives. And lastly, Sir *Colin Campbel* of *Abercubil* depones, That after the Slaughter, *Glenlyon* told him that *Macdonald* of *Innerriggen* was kill'd with the rest of the *Glenco* Men, with Col. *Hill's* Pass or Protection in his Pocket, which a Soldier brought and shew'd to *Glenlyon*.

L. Col. Hamilton had the Charge of the Execution. The Testimonies above set down being more than sufficient to prove a Deed so notoriously known, it is only to be remark'd, that more Witnesses of the Actors themselves might have been found, if *Glenlyon* and his Soldiers were not at present in *Flanders* with *Argile's* Regiment. And it's farther added, that Lieutenant Colonel *Hamilton*, who seems by the Orders and Letters that shall be hereafter set down to have had the particular Charge of this Execution, did march the night before the Slaughter with about 400 Men; but the Weather falling to be very bad and severe, they were forc'd to stay by the way, and did not get to *Glenco* against the next Morning, as had been concerted betwixt Major *Duncafon* and Lieutenant Colonel *Hamilton*; so that the Measures being broke, Lieutenant Colonel *Hamilton* and his Men came not to *Glenco* till about eleven of the Clock, after the Slaughter had been committed, which prov'd the Preservation and Safety of the Tribe of *Glenco*, since by this means the far greater part of them escap'd: and then the Lieutenant Colonel being come to *Cannelochleven*, appointed several Parties for several Posts, with Orders that they should take no Prisoners, but kill all the Men that came in their way. Thereafter some of the Lieutenant Colonel's Men march'd forward to *Glen*, and met with Major *Duncafon's* Party, whereof a Part under *Glenlyon* had been sent by Lieutenant Colonel *Hamilton* to quarter there some days before; and these Men told how they had kill'd *Glenco* and about thirty six of his Men that Morning, and that there remain'd nothing to be done by the Lieutenant Colonel and his Men, save that they burnt some Houses, and kill'd an old Man by the Lieutenant Colonel's Orders, and brought away the Spoil of the Country. And this in its several parts is testify'd by *John Forbes*, Major in Colonel *Hill's* Regiment, *Francis Farquhar* and *Gilbert Kennedy*, both Lieutenants in that Regiment, who were all of the Lieutenant Colonel's Party, as their Depositions more fully bear.

The E. of Braidalbin's Steward tamper with Glenco's Sons. It may also be here noticed, that some days after the Slaughter of the *Glenco* Men was over, there came a Person from — *Campbel* of *Balcalden*, Chamberlain, i. e. Steward to the E. of *Braidalbin*, to the decess'd *Glenco's* Sons, and offer'd to them, if they would declare under their Hands, that the Earl of *Braidalbin* was free and clear of the said Slaughter, they might be assur'd of the Earl's Kindness for procuring their Remission and Restitution, as was plainly depon'd before the Commissioners.

The King's Commission for dealing with the Rebels that stood out. It remains now to give an account of the Warrants, either given or pretended to be given for the committing of the foresaid Slaughter; for clearing whereof it is to be notic'd, that the King having been pleas'd to offer by Proclamation an Indemnity to all the Highland Rebels, who should come in and accept thereof by taking the Oath of Allegiance, betwixt and the first of *January* 1692. after the Day was elaps'd, it was very proper to give Instructions how such of the Rebels

as had refus'd his Majesty's Graces should be treated ; and therefore his Majesty, by his Instructions of the date of the 11th of January 1692, directed to Sir Thomas Levingston, and supersign'd and countersign'd by himself, did indeed order and authorize Sir Thomas to march the Troops against the Rebels, who had not taken the Benefit of the Indemnity, and to destroy them by Fire and Sword (which is the actual stile of our Commissions against intercommuned Rebels) but with this express Mitigation in the fourth Article, viz. *That the Rebels may not think themselves desperate*, we allow you to give Terms and Quarters, but in this manner only, that Chieftains and Heritors, or Leaders, be Prisoners of War, their Lives only safe, and all other things in Mercy, they taking the Oath of Allegiance : And the Community taking the Oath of Allegiance, and rendering their Arms, and submitting to the Government, are to have Quarters and Indemnity for their Lives and Fortunes, and to be protected from the Soldiers, as the principal Paper of Instructions produc'd by Sir Thomas Levingston bears.

After these Instructions there were additional ones given by his Majesty to Sir Thomas Levingston upon the 16th of the said Month of January, supersign'd and countersign'd by his Majesty, and the Date mark'd by Secretary Stair's Hand, which bear Orders for giving of Passes, and for receiving the Submission of certain of the Rebels ; wherein all to be notic'd to the present Purpose is, that therein his Majesty doth judg it much better that these who took not the benefit of the Indemnity in due time, should be oblig'd to render upon Mercy, they still taking the Oath of Allegiance : and then it's added, if Mackean of Glenco and that Tribe can be well separated from the rest, it will be a proper Vindication of the Publick Justice to extirpate that Sect of Thieves. And of these additional Instructions, a principal Duplicate was sent to Sir Thomas Levingston, and another to Colonel Hill, and were both produc'd ; and these were all the Instructions given by the King in this Matter.

But Secretary Stair, who sent down these Instructions, as his Letters, produc'd written with his hand to Sir Thomas of the same Date with them, testify, by a previous Letter of the Date of the 7th of the said Month of January, written and subscrib'd by him to Sir Thomas, says, You know in general that these Troops posted at Inverness and Inverlochier will be order'd to take in the House of Innergarie, and to destroy intirely the Country of Lochaber, Lochals Lands, Kippochs, Glengaries and Glenco ; and then adds, *I assure you your Power shall be full enough, and I hope the Soldiers will not trouble the Government with Prisoners.* And by another Letter of the 9th of the said Month of January, which is likewise before the Instructions, and written to Sir Thomas as the former, he hath this Expression, That these who remain of the Rebels, are not able to oppose, and their Chieftains being all Papists, *It is well the Vengeance falls there ; for my part I could have wish'd the Macdonalds had not divided, and I am sorry That Kippoch and Mackean of Glenco are safe.* And then afterwards we have an account, That Lochal, Macnoughton, Appin and Glenco took the Benefit of the Indemnity at Inverary, and Kippoch and others at Inverness. But this Letter of the 11th of January, sent with the first Instructions to Sir Thomas, hath this Expression, *I have no great Kindness to Kippoch nor Glenco, and it's well that People are in mercy ; and then just now my Lord Argyle tells me, That Glenco hath not taken the Oath, at which I rejoice ; It is a great Work of Charity to be exact in rooting out that damnable Sect, the worst of the Highlands.* But in his Letter of the 16th of January of the same date with the additional Instructions, tho he writes in the first part of the Letter, the King does not at all incline to receive any after the Diet, but on Mercy ; yet he thereafter adds, But for a just Example of Vengeance, *I intreat the thieving Tribe of Glenco may be rooted out to purpose.* And to confirm his by this Letter of the same date, sent with the other principal Duplicate, and additional Instructions to Colonel Hill, after having written, that such as render on Mercy might be sav'd, he adds, *I shall intreat you that for a just Vengeance and publick Example, the Tribe of Glenco may be rooted out to purpose.* The Earls of Argyle and Braidalbin have promis'd that they shall have no retreat in their Bounds, the Passes to Ronoch would be secured, and the hazard certified to the Laird of Weems to reset them ; in that case Argyle's Detachment, with a Party that may be posted in Island Stalker, must cut them off, and the People of Appin are none of the best.

This last Letter, with the Instructions for Colonel Hill, was receiv'd by Major Forbes in his Name at Edinburgh ; and the Major depones, That by the Allowance had from the Colonel, he did unseal the Packet, and found therein the Letter and

Sec. S.—²s
Letter to
Sir Th. Le-
vingston.

Col. Hill
troubld at
receiving
Instructions
about it.

and Instructions as above, which he sent forward to Colonel Hill: and that in the beginning of February 1692, being in his way to Fort-William, he met some Companies of Argile's Regiment at Bellisbiel's, and was surpriz'd to understand that they were going to quarter in Glenco, but said nothing till he came to Fort-William, where Colonel Hill told him, that Lieut. Col. Hamilton had got Orders about the Affair of Glenco, and that therefore the Colonel had left it to Lieutenant Colonel Hamilton's Management, who, he apprehends, had concerted the Matter with Major Duncafon. And Colonel Hill depones, That he understood that Lieutenant Col. Hamilton and Major Duncafon got the Orders about the Glenco Men, which were sent to Lieut. Col. Hamilton; that for himself he lik'd not the Business, but was very griev'd at it; that the King's Instructions of the 16th of January 1692, with the Master of Stair's Letters of the same date, were brought to him by Major Forbes, who had receiv'd them, and unseal'd the Packet at Edinburgh, as these two Depositions do bear.

Sec.S.— Yet the Execution and Slaughter of the Glenco Men did not immediately take effect, and thereafter on the 30th of the said Month of January, the Master of Stair doth again write two Letters, one to Sir Thomas Livingston, which bears, *I am glad that Glenco did not come in within the time prefix'd; I hope what is done there may be in earnest, since the rest are not in a Condition to draw together to help; I think to harry (that is to drive) their Cattel, and burn their Houses, is but to render them desperate lawless Men to rob their Neighbours, but I believe you will be satisfy'd it were a great Advantage to the Nation, That thieving Tribe were rooted out, and cut off; it must be quietly done, otherwise they will make shift for both their Men and their Cattel; Argile's Detachment lies in Letrickree to assist the Garison to do all of a sudden. And the other to Colonel Hill, which bears, Pray when the thing concerning Glenco is resolv'd, let it be secret and sudden, otherwise the Men will shift you, and better not meddle with them than not to do it to purpose, to cut off that Nest of Robbers, who have fallen in the Mercy, of the Law now when there's Force and Opportunity, whereby the King's Justice will be as conspicuous and useful as his Clemency to others. I apprehend the Storm is so great, that for some time you can do little, but so soon as possible I know you will be at work, for these false People will do nothing but as they see you in a Condition to do with them.*

Sir Th. Le- Sir Thomas Livingston having got the King's Instructions, with Secretary Stair's vington writes to L. Col. Hamilton to put the Business in execution. Letter of the 16th of January, and knowing by a Letter he had from the Master of Stair of the date of the 7th of January 1692, that Lieutenant Colonel Hamilton was to be the Man employ'd in the Execution of the Glenco Men, in pursuance of the Secretary's Letter, he writes to Lieutenant Colonel Hamilton upon the 23d of the said Month of January, telling him, That it was judg'd good News that Glenco had not taken the Oath of Allegiance within the time prefix'd; and that Secretary Stair in his last Letter had made mention of him, and then adds, 'For, Sir, here is a fair occasion for you, to show that your Garison serves for some use; and seeing that the Orders are so positive from Court to me not to spare any of them that have not timely come in, as you may see by the Orders I send to your Colonel, I desire you would begin with Glenco, and spare nothing which belongs to him; but do not trouble the Government with Prisoners: As this Letter produc'd by Lieutenant Colonel Hamilton bears.

His Excuse for the Letter. And Sir Thomas being heard upon this Letter, declar'd that at that time he was immediately return'd from his Journy to London, and that he knew nothing of any Soldiers being quarter'd in Glenco, and only meant that he should be prosecuted as a Rebel standing out, by fair Hostility: And in this Sense he made use of the same Words and Orders written to him by Secretary Stair. Thereafter Colonel Hill gives his Order to be directed to Lieutenant Colonel Hamilton; in these Terms: 'Sir, You are with 400 of my Regiment, and the 400 of my Lord Argile's Regiment, under the Command of Major Duncafon, to march streight to Glenco, and there put in due Execution the Orders you have receiv'd from the Commander in Chief. Given under my hand at Fort William, the 12th day of February, 1692. And this Order is also produc'd by Lieutenant Colonel Hamilton.

L. Col. Hamilton's Letter to Maj. Duncafon. Then the same Day Lieutenant Colonel Hamilton wrote to Major Duncafon in these Terms: 'SIR, Pursuant to the Commander in Chief and my Colonel's Orders to me, for putting in execution the Service against the Rebels of Glenco, wherein you with a Party of Argile's Regiment, now under your Command, are to be concern'd, you are therefore to order your Affairs so that you be at the several Posts assign'd you by seven of the Clock to morrow Morning being Saturday, and fall in Action with them; at which time I will endeavour to be with the

the Party from this Place at the Post appointed them. It will be necessary that the Avenues minded by Lieutenant *Campbel* on the South side be secur'd; that the old Fox nor none of his Cubs get away: the Orders are, that none be spar'd; nor the Government troubl'd with Prisoners; and the Copy of this last Order is produc'd under Lieutenant Colonel *Hamilton's* own Hand, and accordingly the Slaughter of *Glenco* and his poor People did ensue the next Morning, being the 13th of February 1692. in the manner narrated,

And upon the whole Matter, it is the Opinion of the Commission; First, That it was a great wrong that *Glenco's* Case and Diligence, as to his taking the Oath of Allegiance, with *Ardkinlas's* Certificate of his taking the Oath of Allegiance on the 6th of January 1692. and Colonel *Hill's* Letter to *Ardkinlas*, and *Ardkinlas's* Letter to *Colin Campbel*, Sheriff-Clerk, for clearing *Glenco's* Diligence and Innocence, were not presented to the Lords of his Majesty's Privy Council, when they were sent into *Edinburgh* in the said Month of January; and that those who advis'd the not presenting thereof were in the wrong, and seem to have had a malicious Design against *Glenco*; and that it was a further wrong that the Certificate, as to *Glenco's* taking the Oath of Allegiance, was delete and obliterate after it came to *Edinburgh*; and that being so obliterate, it should neither have been presented to, or taken in by the Clerk of the Council, without an express Warrant from the Council. Secondly, That it appears to have been known at *London*, and particularly to the Master of *Stair*, in the Month of January 1692. that *Glenco* had taken the Oath of Allegiance, tho after the Day prefix'd; for he saith in his Letter of the 30th of January to Sir *Thomas Levingston*, as is above remark'd, I am glad that *Glenco* came not in within the time prescrib'd. Thirdly, That there was nothing in the King's Instructions to warrant the committing of the foresaid Slaughter, even as to the thing it self, and far less as to the manner of it; seeing all his Instructions do plainly import, that the most obstinate of the Rebels might be receiv'd into Mercy, upon taking the Oath of Allegiance, tho the Day was long before elaps'd; and that he order'd nothing concerning *Glenco* and his Tribe, but that if they could be well separated from the rest, it would be a proper Vindication of the Publick Justice to extirpate that Sect of Thieves: which plainly intimates that it was his Majesty's Mind that they could not be separated from the rest of these Rebels, unless they still refus'd his Mercy by continuing in Arms and refusing the Allegiance; and that even in that Case they were only to be proceeded against in the way of Publick Justice, and no other way. Fourthly, That Secretary *Stair's* Letters, especially that of the 11th of January 1692. in which he rejoices to hear that *Glenco* had not taken the Oath, and that of the 16th of January, of the same Date with the King's additional Instructions, and that of the 30th of the same Month, were no ways warranted by, but quite exceeded the King's foresaid Instructions; since the said Letters, without any Insinuation of any Method to be taken that might well separate the *Glenco-men* from the rest, did in place of prescribing a Vindication of Publick Justice, order them to be cut off and rooted out in earnest, and to purpose, and that suddenly, and secretly, and quietly, and all on a sudden; which are the express Terms of the said Letters; and comparing them and the other Letters with what ensu'd, appear to have been the only Warrant and Cause of their Slaughter, which in effect was a barbarous Murder, perpetrated by the Persons depon'd against. And this is yet farther confirm'd by two more of his Letters, written to Colonel *Hill* after the Slaughter committed, viz. on the 5th of March 1692. wherein, after having said that there was much talk at *London*, that the *Glenco-men* were murder'd in their Beds after they had taken the Allegiance, he continues, For the last I know nothing of it; I am sure neither you, nor any body impower'd to treat or give Indemnity, did give *Glenco* the Oath; and to take it from any body else, after the Diet elaps'd, did import nothing at all; all that I regrave is, that any of the fort got away, and there is a necessity to prosecute them to the utmost. And another from the *Hague*, the last of April 1692. wherein he says, For the People of *Glenco*, when you do your Duty in a thing so necessary to rid the Country of Thieving, you need not trouble your self to take the Pains to vindicate your self by shewing all your Orders, which are now in the *Paris Gazette*; when you do right you need fear no body; all that can be said is, That in the Execution, it was neither so full nor so fair as might have been. And this their humble Opinion the Commissioners, with all Submission, return'd lay before his Majesty, in discharge of the foresaid Commission.

The Commissioners' Opinion on the Case of *Glenco*, &c.

Sec. S. Letter exceeded the King's Instructions.

Sic Subscribitur, Tweddale, Anandale (now Marquis of *Anandale*, and President of the Privy-Council.) *Murray* (now Duke of *Arbol*, and Lord Privy-Seal.) *Ja. Stuart* (her Majesty's Advocate.) *Adam Cockburn* (late Lord-Treasurer Deput.) *W. Hamilton* (Lord *Whitelaw*, one of the Lords of the Session.) *Ja. Ogilvie* (now Earl of *Seafield* and Lord High Chancellor.) *A. Drummond*.

The Report of the Commissioners laid before the Parliament of Scotland.

The Report being agreed on, and sign'd by the Commissioners, several Members mov'd in Parliament on the 24th of June, that the said Report should be laid before the House.

Upon which his Majesty's High-Commissioner acquainted the Parliament, That the Report of the Commission, for inquiring into the Business of *Glenco*, being sent to his Majesty on Thursday last, he would lay the same before them, with the Depositions of the Witnesses, and other Documents relating thereto, for their Satisfaction and full Information; and if they thought fit to make any other use of it, he made no doubt it would be with that deference and submission to his Majesty's Judgment that becometh to Loyal and Zealous a Parliament, in vindication of the Justice and Honour of his Majesty's Government.

Then the Report from the Commission, for inquiring into the Slaughter of the *Glenco*-men, was read, with the Depositions of the Witnesses, the King's Instructions, and the Master of *Stair's* Letters for instructing the said Report.

After hearing the said Report, it was voted, *Nemine contradicente*, That his Majesty's Instructions of the 11th and 16th days of January 1692. touching the Highland Rebels, who did not accept in due time of the Benefit of his Indemnity, did contain a Warrant for Mercy to all without exception, who should take the Oath of Allegiance and come in upon Mercy, tho the first day of January 1692. prefix'd by the Proclamation of Indemnity was pass'd; and that therefore these Instructions contain'd no Warrant for the Execution of the *Glenco*-men, made in February thereafter. Then the Question was stated and voted, If the Execution of the *Glenco*-men in February 1692. as it is represented to the Parliament, be a Murder, or not? And carry'd in the Affirmative.

Mov'd, That since the Parliament has found it a Murder, it may be inquir'd into who were the occasion of it, and the Persons guilty and committers of it, and in what way and manner they should be prosecuted. And after some Debate thereon, the Method of the said Prosecution was delay'd, and resolv'd that this House will again take the same under consideration first on Monday next: And the Master of *Stair's* Letters were order'd to be put in the Clerk's Hands, and any Members of Parliament allow'd an inspection thereof.

June 26. 1695. The Inquiry into the Persons who were the occasion of the Slaughter of the *Glenco*-men was again propon'd, and motion'd that before any further procedure in that Affair, there may be an Address sent to his Majesty on what is already past. And after some Debate thereon, The Question stated, proceed further in the Inquiry before addressing his Majesty, or address upon what is already past without any further Procedure? And carry'd, proceed further before Address.

Thereafter the Question stated and voted, If they should first proceed to consider the Master of *Stair's* Letters, or the Affairs of the Murder of *Glenco*-men? And carry'd, First to consider the Master of *Stair's* Letters.

Then the Master of *Stair's* Letters, with the King's Instructions to Sir *Thomas Livingston* and Col. *Hill*, and the 4th Article of the Opinion of the Commission relating to the Master of *Stair*, was read; and after some Debate the Question was stated, Whether the Master of *Stair's* Letters do exceed the King's Commission, towards the killing and destroying the *Glenco*-men, or not? And carry'd in the Affirmative.

June 28. 1695. The President of Parliament represented, That there was a Print dispers'd, intituled, *Information for the Master of Stair*, reflecting upon the Commission for inquiring into the Slaughter of the *Glenco*-men, and arraigning a Vote of Parliament: And therefore mov'd, That it may be inquired who was the Author of it, and that both he and the said Print may be censured. Mr. *Hugh Dalrimple*, Brother to the Master of *Stair*, and a Member of Parliament, acknowledged himself to be the Author, and gave an account of his Mistakes, protesting that he therein intended no Reflection on the Commission, and that the Paper was written before the Vote past in Parliament, tho printed and spread thereafter.

Resolved,

Votes in Parliament thereon.

They inquire who were the Causes of the Murder.

Sir H. Dalrimple publishes a Pamphlet reflecting on the Commission.

Resolved, That first the Author and then the Print be censur'd. And Mr. *Hugh* Makes his Submission. was order'd to ask his Grace and the Parliament pardon; which he did, again declaring, that what was offensive in that Paper, had happened thro' mistake.

Thereafter agreed that the said Print was false and calumnious. And the Question being stated, If the Print spread abroad amongst the Members of Parliament, intituled, *Information for the Master of Stair*, ought to be condemn'd as false and calumnious, and therefore burnt, or only that the Print should be so mark'd in the Minutes of Parliament; it carry'd, that the Print should be mark'd in the Minutes of Parliament to be false and calumnious. And the Print voted false and calumnious.

Then the Parliament proceeded farther in the Inquiry of the Slaughter of the *Glenco-men*. And in the first place, as to the Orders given by Sir *Thomas Livingston*, in two of his Letters directed to Lieutenant Colonel *Hamilton*: And the said Letters being read, after debate thereon it was put to the Vote, proceed or delay, and carry'd proceed.

Then the Question was stated, Whether Sir *Thomas Livingston* had reason to give such Orders as were contain'd in these Letters, or not? and was carry'd in the Affirmative, *Nemine Contradicente*.

July 8. 1695. The Parliament having resum'd the Inquiry into the Slaughter of the *Glenco-men*, and who were the Actors; and in the first place about Lieutenant Col. *Hamilton*, and that part of the Report of the Commission relating to him, and the Orders he got, and the Orders he said he gave with the Depositions taken before the said Commission: and after some debate thereon, the Question was stated and put to the Vote; If from what appears to the Parliament, Lieut. Col. *Hamilton* be free from the Murder of the *Glenco-men*, and whether there be ground to prosecute him for the same, or not? and carry'd, he was not clear, and that there was ground to prosecute him.

Then the Question was stated and voted as to Major *Duncaison*, at present in *Flanders*, If the King should be address'd, either to cause him to be examin'd there about the Orders he receiv'd, and his knowledge of that Matter; or that he be order'd home to be prosecuted therefore, as his Majesty shall think fit, or no? and carry'd in the Affirmative.

Then that part of the Report of the Commission, as to *Glenlyon*, Captain *Drummond*, Lieutenant or Adjutant *Lindsay*, Ensign *Lundy*, and Serjeant *Barber*, read with the Depositions of the Witnesses against them; And the Question stated and voted, If it appear'd that the said Persons were the Actors of the Murder of the *Glenco-men* under Trust; and that his Majesty be address'd to send them home to be prosecuted for the same according to Law, or not? And carry'd in the Affirmative.

Therefore voted, If it should be remitted to the Committee for the Security of the Kingdom to draw this Address, or a new Committee elected for drawing thereof? and carry'd remit.

The Report from the Committee for Security of the Kingdom in favours of the *Glenco-men*, read and remitted to the said Committee; That there be a particular Recommendation of the Petitioners Case to his Majesty brought in by the said Committee.

July 10. 1695. The Address about the Slaughter of the *Glenco-men* to be sent to the King, read, with several of the Master of *Stair's* Letters to Sir *Thomas Livingston* and Colonel *Hill*: And after some Debate upon the Paragraph touching the Master of *Stair*, it was voted, approve the Paragraph as brought in from the Committee, or as offer'd with Amendments: It carry'd, approve as brought in from the Committee. Thereafter the whole Address was put to the Vote, and approv'd as follows.

The Address of the Noblemen, Barons and Burroughs in Parliament, humbly presented to his most Sacred Majesty upon the Discovery communicate to them, touching the Murder of the *Glenco-men* in February 1692.

WE your Majesty's most Loyal and Dutiful Subjects, the Noblemen, Barons and Burroughs assembled in Parliament, do humbly represent to your Majesty, That in the beginning of this Session, we thought it our Duty, for the more solemn and publick Vindication of the Honour and Justice of the

Parliament's Address to the King upon the Murder of the Glenco-men.

Government, to inquire into the barbarous Slaughter committed in *Glenco*, Feb. 1692. which hath made so much noise, both in this Kingdom and your Majesty's other Dominions : But we being inform'd by your Majesty's Commissioner, That we were prevented in this Matter by a Commission under the Great Seal for the same purpose, We did, upon reading the said Commission, unanimously acquiesce to your Majesty's Pleasure, and return'd our humble Acknowledgments for your Royal Care in granting the same ; and we only desir'd that the Discoveries to be made should be communicated to us, to the end that we might add our Zeal to your Majesty's for prosecuting such Discoveries ; and that in so National a Concern, the Vindication might be also publick as the Reproach and Scandal had been ; and principally that we, for whom it was most proper, might testify to the World how clear your Majesty's Justice is in all this Matter.

And now your Majesty's Commissioner, upon our repeated Instances, communicated to us a Copy of the Report transmitted by the Commission to your Majesty, with your Majesty's Instructions, the Master of *Stair's* Letters, the Orders given by the Officers, and the Depositions of the Witnesses relating to that Report ; and the same being read and compar'd, we could not but unanimously declare, That your Majesty's Instructions of the 7th and 16th of *January* 1692. touching the Highlanders who had not accepted in due time of the Benefit of the Indemnity, did contain a Warrant for Mercy to all without exception, who should offer to take the Oath of Allegiance, and come in upon Mercy, tho the 1st of *January* 1692. prefix'd by the Proclamation of Indemnity was past ; and that these Instructions contain no Warrant for the Execution of the *Glenco-men* made in *February* thereafter. And here we cannot but acknowledg your Majesty's Signal Clemency upon this Occasion, as well as in the whole Tract of your Government over us ; for had your Majesty, without new Offers of Mercy, given positive Orders for the executing the Law upon the Highlanders, that had already despis'd your repeated Indemnities, they had but met with what they justly deserv'd.

But it being your Majesty's Mind, according to your usual Clemency, still to offer them Mercy ; and the killing of the *Glenco-men* being upon that account unwarrantable, as well as the manner of doing it being barbarous and inhumane, we proceeded to vote the killing of them a Murder, and to inquire who had given occasion to it, and were the Actors in it.

We found in the first place that the Master of *Stair* his Letters had exceeded your Majesty's Instructions towards the Killing and Destruction of the *Glenco-men* : this appear'd by the comparing the Instructions and Letters, whereof the just attested Duplicates are herewith transmitted ; in which Letters the *Glenco-men* are over and again distinguish'd from the rest of the Highlanders, not as the fittest Subject of Severity, in case they continu'd obstinate, and made Severity necessary according to the meaning of the Instructions ; but as Men absolutely and positively order'd to be destroy'd, without any further consideration, than that of their not having taken the Indemnity in due time ; and their not having taken it, is valu'd as a happy Incident, since it afforded an opportunity to destroy them ; and the destroying of them is urg'd with a great deal of Zeal, as a thing acceptable and of Publick Use ; and this Zeal is extended, even to the giving of Directions about the manner of cutting them off : from all which it is plain, that tho the Instructions be for Mercy to assist all that will submit, tho the Day of Indemnity was elapsed, yet the Letters do exclude the *Glenco-men* from this Mercy.

In the next place we examin'd the Orders given by Sir *Thomas Livingstone* in this Matter, and were unanimously of Opinion that he had reason to give such Orders for cutting off the *Glenco-men*, upon the Supposition that they had rejected the Indemnity, and without making them new Offers of Mercy, being a thing in it self lawful, which your Majesty might have order'd ; but it appearing that Sir *Thomas* was then ignorant of the peculiar Circumstances of the *Glenco-men*, he might very well understand your Majesty's Instructions in the restricted Sense, which the Master of *Stair's* Letters had given them, or understand the Master of *Stair's* Letters to be your Majesty's Additional Pleasure, as it is evident he did by the Orders which he gave, where any Addition that is to be found in them to your Majesty's Instructions, is given, not only in the Master of *Stair's* Sense, but in his Words.

‘ We proceeded to examine Colonel *Hill*’s Part of the Business, and we were unanimous that he was clear and free of the Slaughter of the *Glenco*-men; for tho your Majesty’s Instructions, and the Master of *Stair*’s Letters were sent strait from *London* to him, as well as to Sir *Thomas Livingston*, yet he knowing the peculiar Circumstances of the *Glenco*-men shun’d to execute them, and gave no Orders in the Matter, till such time as knowing that his Lieutenant-Colonel had receiv’d Orders to take with him 400 Men of his Garison and Regiment, he, to save his own Honour and Authority, gave a general Order to *Hamilton*, his Lieutenant-Colonel, to take the 400 Men, and to put in due Execution the Orders which others had given him.

‘ Lieutenant-Colonel *Hamilton*’s Part came next to be consider’d, and he being requir’d to be present, and call’d, and not appearing, we order’d him to be denounced, and to be seiz’d on wherever he could be found; and having consider’d the Orders that he receiv’d, and the Orders which he said before the Commission he gave, and his share in the Execution, we agreed that from what appear’d, he was not clear of the Murder of the *Glenco*-men, and that there was ground to prosecute him for it.

‘ Major *Duncaison*, who receiv’d Orders from *Hamilton*, being in *Flanders*, as well as those to whom he gave Orders, we could not see these Orders; and therefore we only resolv’d about him, that we should address to your Majesty, either to cause him be examin’d there in *Flanders* about the Orders he receiv’d, and his knowledg of that Affair, or to order him home to be prosecuted therefore, as your Majesty shall think fit.

‘ In the last place, the Depositions of the Witnesses being clear, as to the share which Capt. *Campbel* of *Glenlyon*, Capt. *Drummond*, Lieutenant *Lindsey*, Ensign *Lundie*, and Serjeant *Barber* had in the Execution of the *Glenco*-men, upon whom they were quarter’d; we agree that it appear’d that the said Persons were the Actors in the Slaughter of the *Glenco*-men under Trust, and that we should address your Majesty to send them home to be prosecuted for the same according to Law.

‘ This being the State of that whole Matter as it lies before us, and which, together with the Report transmitted to your Majesty by the Commissioner (and which we saw verifi’d) gives full light to it; We humbly beg, that considering that the Master of *Stair*’s Excess in his Letters against the *Glenco*-men has been the Original Cause of this unhappy Business, and hath given occasion in a great measure to so extraordinary an Execution, by the warm Directions he gives about doing it by way of Surprize; and considering the high Station and Trust he is in, and that he is absent, We do therefore beg that your Majesty will give such Orders about him for vindication of your Government, as you in your Royal Wisdom shall think fit.

‘ And likewise considering that the Actors have barbarously kill’d Men under Trust, we humbly desire your Majesty would be pleas’d to send the Actors home, and to give Orders to your Advocate to prosecute them according to Law; there remaining nothing else to be done for the full Vindication of your Government of so foul and scandalous an Asperision as it has lain under upon this Occasion.

‘ We shall only add, that the Remains of the *Glenco*-men, who escap’d the Slaughter, being reduc’d to great Poverty by the Depredation and Vastation that was then committed upon them, and having ever since liv’d peaceably under your Majesty’s Protection, have now apply’d to us that we might intercede with your Majesty, that some Reparation may be made them for their Losses. We do humbly lay their Case before your Majesty, as worthy of your Royal Charity and Compassion, that such Orders may be given for supplying them in their Necessities, as your Majesty shall think fit.

‘ And this the most humble Address of the Estates of Parliament is, by their Order and Warrant, and in their Name, subscribed by,

May it please your Majesty,
Your Majesty’s most Humble, most Obedient,
and most Faithful Subject and Servant,

Annandale, P. P.

July 10. 1695. This
Address voted and
approven.

Then

Then it was recommended to his Majesty's Commissioner, to transmit to the King the said Address, with Duplicates of the King's Instructions, and of the Master of Stair's Letters.

The Parliament order Thanks to the King's H. Commissioner, &c.

Moved, That his Majesty's Commissioner have the Thanks of the Parliament for laying the Discovery made of the Matter of *Glenco* before them, and that the Commissioners have the like for their careful Procedure therein; which being put to the Vote, approve, or not, carry'd in the Affirmative, *Nemine Contradicente*; which his Majesty's Commissioner accepted of.

Remissions granted for Murder, &c. against Law.

It is said that some of the Persons did get a Remission from King William; concerning which it is to be observ'd, first, That the taking of a Remission is a tacit acknowledging of the Crime, and taking upon them the Guilt: Next, that any such Remission is null and void, and will not defend them, because it did not proceed upon Letters of *Slains* (a), nor is there any *Affithment* (b) made to the nearest of Kin; it being expressly provided by the 136 Act, Par. 8. *Jac.* the 6th, That Remissions are null, unless the Party be *Affithed* (c); and by 157 Act, Par. 12. *Jac.* 6. And it is farther to be observ'd from that Act, That albeit Respites and Remissions had been formerly granted for several enormous Crimes, yet the Defendants were ordain'd to be criminally pursued notwithstanding of the same; and the said Act is ratify'd by the 173 Act, Par. 13. *Jac.* 6. against the granting of Remissions and Respites to the committers of Murder, Slaughter, and other atrocious Crimes therein mention'd, where there are not sufficient Letters of *Slains* shewn; and that no Respite or Remission be admitted in Judgment, except the same be compounded with the Treasurer, and subscrib'd by him, at least past his Register. And Act 178. it is provided, that no Respite or Remission be granted for Slaughter, until the Party (d) *skaitbed* be first satisfy'd; and if any Respite or Remission shall happen to be granted before the Party griev'd be first satisfy'd, the same shall be null by way of Exception or Reply, without any further Declarator.

Thirdly, It is to be observ'd, That the Parliament having declar'd, that the killing of the *Glenco*-men was a Murder under Trust; it is clear by the 51 Act, Par. 11. *Jac.* 6. That Murder and Slaughter of a Person under Trust, Credit, Assurance and Power of the Slayer, is Treason: so that by the said Act, these that had accession to, or were any ways (e) *airt and part* of the Slaughter of the *Glenco*-men, are guilty of Treason.

P. S. Sir, I have nothing further to add concerning this Matter, but that I thought it needless to trouble you with the Copies of the King's Orders, the now Viscount of Stair's Letters, and the Depositions, because every thing in them that is probative of the Point in question is fairly narrated in the Report of the Commission; but if you think them necessary, I will send them to you upon Notice: But for my part, I don't think them necessary to be inserted, for repeating things needlessly does but weary the Reader.

You know that there never was any Prosecution against any of those Persons charg'd with this barbarous Murder; but that on the contrary, by the Advice of some who were then about his Majesty, several of the Officers were prefer'd, and the whole Matter slur'd over: so that the crying Guilt of this Blood must lie upon them and not upon the Nation, since the Parliament could do no more in it without occasioning greater Bloodshed than that they complain of.

You know likewise that by the Influence of the same Persons this Report was suppress'd in K. W's Time, tho his Majesty's Honour requir'd that it should have been publish'd.

(a) i. e. Witnessing that the Party wrong'd has receiv'd Satisfaction. (b) Satisfaction. (c) Satisfy'd. (d) Damag'd. (e) Concern'd in.

AN
APPENDIX
CONTAINING

Some Valuable TRACTS omitted
in the preceding VOLUMES.

*A full and impartial Account of all
the Secret Consults, Negotiations, Stratagems and
Intrigues of the Romish Party in Ireland, from
1660, to this present Year 1689.*

For the Settlement of Popery in that Kingdom.

TO the READER.

TO Preface to the ensuing Pamphlet, will (I am sensible) be attributed to a vain humour of the Age, rather than to more important Considerations. But however that may be the Apprehension of some, yet the more Judicious will (I doubt not) be of another Opinion, when they perceive a whole Series of the most profound Policies and Designs, drawn with that Rudeness and Disproportion, as equally requires their Candour, as well as my Apology. Indeed to give an exact Pourtraiture of this Intrigue which in all its Circumstances appears very extraordinary and surprizing) would require Peller's favourable Chance; or at least a more artificial Representation than must be expected in the following Discourse. All that I can pretend to, is, an impartial Account of the Matter of Fact; and that being chiefly aim'd at, will, with sober Men, be, in some at least, interpreted, A Dispensation for the want of exteriour Ornament: or however that may prove, I deem'd it much more serviceable to the Publick to present the Reader with this rough draught, rather than conceal that, which (with what Imperfection soever 'tis manag'd) must needs be useful to all Protestants, and especially at this Juncture. Here the Reader has an Account of the first steps that were made in Ireland for the Introduction of Popery into that Kingdom; together with a Description of what Obstacles and Repulses this Design met with; how 'twas still carry'd on, notwithstanding its frequent Interruptions and Discouragements, and by what private Cabals, and after what secret combinations. Here is represented the admirable Diligence of an indefatigable Romish Priest for the promotion of the Catholick Cause, which in several Periods of State, and Constitutions of that Government, still kept its design on foot, sometimes retreating a few steps backward, when they found it necessary; and at others, not only retrieving that Dis-

advantage

advantage, but continuing a greater Progress, when they met with Occasions favourable to their Design; which at last they carefully improv'd to that ripeness wherein it now stands, and to which it has attain'd by an unparallel'd Violation of the Laws and Constitutions of the Realm, by the most violent and unjust Proceedings in the Reign of the late King James; of which you have an ample and copious Relation in the following Sheets.

A full and impartial Account of the Secret Consults, Negotiations, Stratagems and Intrigues of the Romish Party in Ireland.

Upon the King's Restoration a-
roise Dis-
putes about the settle-
ment of
Ireland.

WHEN the natural Consequent of our late intestine Differences had (in a short time) produc'd so many various Scenes of Government, till by a circular Motion we center'd in our first Model, and so like Pythagoras's Transmigration of Souls——were metamorphos'd into so many differing Shapes, till at last, in the Year 1660, we became animated with our first Dispositions to Monarchy, by the Restoration of King Charles the Second: Then it was that several Disputes arose (which were debated before the King and Council) concerning the Settlement of Ireland; the Lord of Santry, Lord Chief Justice of Ireland (a Man equally eminent for Law as well as Loyalty) in an excellent and learned Speech represented to the Board the horrid Rebellion of Ireland, together with those barbarous and inhumane Massacres which he had been an Eye-Witness of.

Sir N.
Plunkett
opposes Ld
Santry's
Opinion.

In opposition to which, Sir Nicholas Plunkett, a Man also very skilful in the Law, but a Knight of the Pope's making, and one that had acted his part in all the Rebellion of Ireland, assum'd the Defence of the Natives of that Kingdom; but as his Cause was too apparently bad to be maintain'd with any tolerable Success, so was his Understanding in the Law inferior to the Lord Chief Justice Santry's, who carry'd the Debate with great Applause, in the Opinion of all that heard it; and had his Advice been accordingly pursu'd, 'twas thought few of the Irish would have got their Estates: and at that time, if (by mistake) the Lord of Ormond and Lord Anglesey had not join'd with the Court-Party, 'twas believ'd that what the Lord Santry urg'd as Law, must have prevail'd in point of Right; for in those days the Interest of the Duke of York (which afterwards grew to a mighty height, as you will perceive by the Sequel) was not so powerful as to have prevented it. That which he chiefly insist'd upon, as to matter of Law, was, That 'twas most agreeable to the Law of the Land, as well as most equal for the Subject to be try'd by the Common Law, where they would meet with a fair and indifferent Trial by Juries of their Neighbours, and in this Case could have no wrong done them; but that the Court of Claims was like the Usurper's High Court of Justice, Arbitrary and Unlimited. This touch'd the Irish to the quick, for they being conscious of their Guilt, most of them indicted and outlaw'd for Treason, despair'd upon their Trial at the Bar to make any considerable Defence.

1660.
Lds Justices ap-
pointed for
the Govern-
ment of
Ireland.

The Method
of passing
Bills in
Parliam.

The Government of Ireland was first put into the hands of Lords Justices, which were Sir Maurice Eustace, Lord Chancellor, the Earl of Mountarath, and the Earl of Orrery; the first a Lawyer, the latter Men that had signally behav'd themselves against the Irish during the whole Rebellion. Under the Government of these Men, a Parliament was call'd in the City of Dublin, and the Convention, which sat upon the King's Restoration, dissolv'd. The first thing they proceeded upon were the Bills sent them from England; for by the Law of Ireland, intitled Poyning's Act, the Parliament of Ireland can read no Bill in their House, which proceeds not by these Steps: First, The Chief Governor and Council of Ireland draw up a Bill and send it over to the King and Council in England, who either approve or correct it, as they think convenient; and so, in the second place, return it back to the Chief Governor and Council, and these send it to the House of Commons, who have only a Negative Voice, and can neither alter nor amend a word of it. This, by way of Digression, which differing so much from the Practice of the Parliam-

liament of England, induc'd me not to think it altogether unpleasant or unnecessary, to present the Reader with this brief Account of it.

But to return to the Parliament: The variety of Interests in that Kingdom gave birth to several Disputes among them; for the accommodating whereof it was thought necessary at Court to send over a Lord Lieutenant, for about this time a great Controversy arose among all Parties, which was founded upon this occasion. A new Interest was set on foot, in which neither Soldier, Adventurer, nor *Irish* (according to the first Declaration from *Breda*) were concern'd, and yet it related to the first Soldiers that fought against the *Irish*, which were now call'd Forty nine Men; these being King's Men, were not provided for in the Parliament and Usurper's time, and how to make provision for them now, was the matter in Dispute. Some Lands indeed there were that had not been set out to Soldiers and Adventurers, which were allotted these Men; but this Provision was not considerable, and therefore the forfeited Corporations and Houses that were in them, were hereunto annex'd; and to render them the more valuable, a Clause was inserted in the Act, "That no *Irish* Papist, in what manner soever he justify'd his Innocency, should enjoy any House within a Corporation, except the Natives of *Cork* and *Fearberd*. This the *Irish* vehemently exclaim'd against as barbarous and inhuman, that, to serve the Conveniency of a particular set of Men, a Man must appear innocent in the Country and enjoy his Estate, but be adjudg'd a Rebel in the City, and upon that account be dispossest of his Houses. On the other hand the *English* complain'd, That the Natives, by an illegal arbitrary Court, were made innocent, tho they were known to have been concern'd in the Rebellion; for that in truth 'twas beyond all peradventure that not Ten of the *Irish* Papists were free from Rebellion and Murder. The Duke of *Ormond* had a great Arrear due to him upon this Fund, and after mutual Contentions on either side, the Affair was settled to the Satisfaction of the Protestants.

Disputes in Parliam. about the Settlement.

But in order to a firmer and more mature Establishment of things, it was (amongst other Consultations) resolv'd in Council, to send over the Lord *Roberts* for Ireland, in Quality of the Lord Lieutenant, as a Person whose Indifferency as to the various and opposite Interests of that Kingdom, might bring forth a compleat and impartial Settlement; but his being an *Englishman*, and not related to, and consequently not interested in favour of the *Irish*, occasion'd the Duke of *York* (whose Affection to the Natives of that Kingdom has appear'd by too pregnant and demonstrative Proofs) to work with the King his Brother to send over the Duke of *Ormond*, whose Acquaintance with, and Relation to divers of the *Irish* Nobility and Gentry, did rationally promise a more favourable regard to their Interests; tho what probability soever this Prospect had in it, it finally turn'd to their Disadvantage, and that by the even steerage of the Duke of *Ormond*, who, tho plac'd at the Helm in favour to the *Irish*, yet so signally espous'd the Interest of the *English* Protestants in all their just and legal Demands, that upon that very account he lost the favour of the Duke of *York*.

D. of Ormond made Lt. Lieut.

1662.

This management of things made the Popish Party very sensible of their Mistake; but to correct it in a very high measure, they procur'd the removal of some of the Commissioners of the Court of Claims, and got others put in, exactly calculated for their present Design: The leading Man was one *Rainsford*, who prov'd so furiously, that Complaints were made to the King. *Talbot* (now *Tyrconnell*) was at this time made principal Agent for the *Irish* Papists at Court, and upon the account of soliciting for them, had Sums of Money rais'd him by way of Tax, upon all that pass'd the Court of Claims; and in such Cases wherein Men had no Friends, nor good Titles, he bought their Pretences, and by *Rainsford*'s means pass'd the Claim. From all which illegal Courses, 'twas visible to the *English* that they were in a lost Condition, which brought many of them under such apparent Discouragements, as to part with their Estates for a year or two's Purchase. Neither could any Man make a measure of his Title, so arbitrary were the Commissioners in their Proceedings. And as the *Irish* insinuated themselves into the favour of *Rainsford*, and the Commissioners of the Court of Claims, or by the powerful Solicitation of their Agent at Court, procur'd commendatory Letters from thence; in the same proportion they pass'd their Innocency, not according to their Demerit.

The Popish Party procur'd the removal of some Commissioners in the Court of Claims.

For what Complaints soever were made by the *Irish*, of the Cruelty of *Oliver*'s Course, in criminating them; yet some who prov'd their Innocency there, were decreed nocent by these Commissioners; and where they had no pretence of taking away

Irish got their Estates, tho concern'd in the Rebellion.

away an *Irishman's* Estate that was adjudg'd innocent in the Usurper's time, in that case they obtain'd Piviso's in the Act of Settlement, to deprive them of their Estates for Rebellion: As for instance, the Knight of *Kerry*, who tho a Papist, yet always so faithfully adher'd to the *English* Interest, and had been so great an Instrument of divers of the Protestants Preservation, that for that reason he was by the Usurper restor'd to his Estate; his Case was so notorious, that the Parliament (tho their whole Fortunes depended upon the Act of Settlement) refus'd passing the Act, except that Clause, in prejudice to the Knight of *Kerry*, was struck out, notwithstanding they were inform'd at the same time, that if the Act was sent back and alter'd, it should be to their Disadvantage, as indeed it prov'd; however it was corrected as to that Clause.

The Act of Settlement made burden on to the *English* M.

So much of this Act did so manifestly incline to favour the *Irish*, as justly created Complaints by the *English*, which seemingly to redress, a new Act was prepar'd, entitled, *The Act of Explanation*; the consequence of which was, that the Protestants were glad to sit down with the loss of one Third; and where the *Irish* had either been so notoriously criminal, as that no Palliations could extenuate the blackness of their Rebellion, or else were Men of that inconsiderable Interest, as render'd them incapable of passing their Innocency, in such Cases their Estates were claim'd by other *Irish*, whose Interests at Court were more prevalent; such were the Earls of *Clancarthy*, *Clanriccard*, Lord *Costela Dillon*, Earl of *Carlingfoord*, and many more, who pass'd their Claims for twice more than ever they had before the Rebellion.

The *Irish* discharge'd from paying Quit-Rent, &c.

Pursuant to the Act pass'd for the payment of Quit-rent to the Crown, for all Lands that were seiz'd and sequestred, the *English* paid Quit-rent in many Places where their Lands were scarce worth it; but when the Court of Claims was over, and the Parliament of *Ireland* dissolv'd, then the *Irish*, that paid Quit-rent, obtain'd Grants by means of the Duke of *York* (who omitted no Opportunities of testifying his good-will to them) not only to be remitted of their Quit-rent, but of their Arrears also.

The innocent *Irish* lost their Estates, and the Guilty got more than their own.

To this height had the Popish Design advanc'd it self at a Juncture, when the *English* Interest seem'd not only to carry the Pre-eminence, but even to have reach'd the Meridian of her Triumph at Court: and tho it was believ'd upon the King's Restoration there could not have been the twentieth part of *Ireland* gain'd from the *English*; yet what with the Thirds taken at one blow from the *English*, and by Nominees, and other Stratagems of State, there was almost an half of the Kingdom in value lost, notwithstanding at the same time the most innocent of the *Irish* were depriv'd of their Estates, and the greatest Rebels got more than their own. This was the first step advanc'd for the Introduction of Popery into that Kingdom; and notwithstanding the small Progress it had then seemingly made, it so far encourag'd (even in this time of its Infancy) the most considerable of the *Irish*, as often to intimate to the *English*, that in a short time the Protestants and they must be of one Religion.

1668. Talbot's Discourse with Coddington.

'Twas very remarkable, that in the year 1668. *Talbot*, Brother to *Tyrconnel*, and Titular Archbishop of *Dublin*, landing at a place call'd the *Skerish*, within 12 Miles of that City, and being very hospitably entertain'd by one Captain *Coddington*, lodging all Night at his House; the next Morning took him aside, and after the most affectionate Expressions of Kindness, ask'd him what Title he had to that Estate, for that he observ'd he had expended considerably upon its Improvement? *Coddington* answer'd, That 'twas an old Estate belonging to the Earl of *Twomond*. *Talbot* reply'd, That was nothing, it did belong to the Church, and it would all be taken away; therefore advis'd him to lay out no more upon it, but get what he could, and then desert it. All this was offer'd upon strong Injunctions of the most inviolable Secrecy.

Consultations among the Popish Party to remove the D. of Ormond,

The Duke of *Ormond* was then Lord Lieutenant, and nothing advantageous to their Interests could be manag'd whilst he continu'd in that Post, which was the rise to divers Consultations at Court for his Removal. It had been too palpable for the Popish Party to have appear'd interested in it; wherefore an Intrigue was then form'd of renewing the ancient Animosities betwixt him and the Duke of *Buckingham*. This was reduc'd to Act, and the Effect was proportionable to the Design. The next thing to be consider'd was who should succeed him, which was

1669. And to settle the Ld Roberts.

a matter that requir'd a very nice and critical management. They pitch'd upon the Lord *Roberts*, as a Person that had been formerly disappointed of that Station; which begetting a Prejudice in him, and meeting with a vindictive Spirit (whose

(whose Temper they knew to be such) would prompt him invidiously to inspect into, or else to create faults in the Government of the Duke of *Ormond*; which was the end of the Court-Intrigue and of his Advancement, as knowing that his Un- easiness to those of that Kingdom, would serve to prepare a fair reception for the L—B—, a Man of whose Inclinations to their Interest the Popish Party had the most convincing Assurances; and agreeably to this whole Scheme of Policy, the Lord *Roberts* remain'd Lord Lieutenant about six Months, and then the L. B. was sent over. *Talbot*, now *Tyrconnel*, leaves the Court, and follows his Brother the Titular Archbishop, and lives privately; but notwithstanding his Retirement, is still ingag'd in all the secret Counsels with Sir *Ellis Leaton* the Lord Lieutenant's Secretary. 1670.

And now to accomplish their purpose, the first thing to be done was to set up a Pretence that the King, when in Exile, had oblig'd himself to the *French* King to restore the *Irish* to their Religion and their Estates; and lest a neglect of this should occasion a Breach with *France*, something must be acted in pursuance to it: So it was order'd, notwithstanding the Law, to prefer *Irish* Papists to the Commis- sion of the Peace, in which they behav'd themselves with that Partiality and Inso- lence (Properties inherent to most, if not all of them) that they became odious, even to the Judicious of their own Party. 1671.

The next thing was to regulate the Corporations, which by an Act of the last Parliament there was power for the Lord Lieutenant and Council to do. This was manag'd with such great Secrecy, that none were made acquainted with it, till it was actually drawn, and brought ready to the Council-Board. The next day there was sent to the Lord Mayor and Aldermen of *Dublin*, an Order for them to call a Common Council, and to turn them out, and to make a new Government in the City. This they well understood would create a Disturbance, which they were desirous so to improve among the Citizens, as to render the Protestants dis- affected; for which purpose they industriously labour'd to irritate and provoke them, as the L—B— had done the Year before, when a number of Boys got up in a Tumult to pull down a Bridg which was erecting contrary to the Desire of the City; where when the Lord Mayor and Constables had suppress'd them, the Lord Lieutenant order'd Soldiers, as they were carrying them to Prison, to dis- charge several Shots amongst them, who kill'd some of them. 1672.

But to return to the Order of Council for modelling the Corporation, the Al- dermen gave ready Obedience, tho they fear'd the bottom of the Design. This compliance of the Aldermen necessitated them to take new measures; for the most considerable of the Aldermen were Men of new Interest, and had been nerced or keeping out Papists from the City Freedom; and whilst these Aldermen were in Power, no Popish Design could succeed: and therefore to facilitate by another, what they could not effect by former Stratagems, the next work was to prepossess the Populace with prejudice against the Aldermen, representing them as the Au- thors and Contrivers of this new Model, tho (as it was afterwards prov'd, upon a hearing before the Earl of *Essex* and Council, when Lord Lieutenant of *Ireland*) they never heard one word of them till they were brought to them to the Tole- ale, with Orders to put them in execution. *The Aldermen of Dublin obey the Or- der, which spoil'd their Design.*

At that time there came over to *Dublin* a Person who assum'd several Names (a Practice as agreeable to the Interest and Policy of the Church of *Rome*, and as com- mon as that of variety of Shapes and Professions) sometime he went by the name of *Payne*, at others by that of *Newell*, and was found to be the same Person that was afterwards committed to *Newgate* for some high Misdemeanor relating to *Coleman* and the Popish Plot. This *Newell* (as has since been apparent in the In- stance before-nam'd) had his part with *Coleman*, and was sent over for *Ireland* as is proper Province, wherein to act the design'd Tragedy: He remain'd for some time obscure in *Dublin*, and after that was receiv'd into the Castle; but never ap- pear'd till this (as was deem'd) seasonable Juncture, and then in the capacity of Under-Secretary to Sir *Ellis Leaton*. 1672.

His Business was to infuse into the Populace of the City of *Dublin*, an Opinion of the Treachery of their Recorder, Sir *William Davis*; and to make the Pretext what he more plausible, he had Instructions to add, That the Recorder and the Lord Pri- mate, then Lord Chancellor, counselled the L—B— to enact those Laws for the abolishing of the antient Government of the City; and farther insinuating, that this was done at the Desire and Instigation, and by the contrivance of the chief Aldermen. This impious Suggestion being not only artfully spread among, but also

also too easily credited by the Citizens, induc'd them to pitch upon *Newell* as their most proper Agent, and in order to this, advanc'd Mony which they presented to Sir *Ellis Leaton*, who, together with *Newell*, brought the then Lord Mayor, *Totty*, with the Sheriffs to the Lord Lieutenant, who publickly declar'd the Relation above; and withal promis'd to recal his former Order. Upon which he call'd a Council, but the unravelling of the business discover'd a Popish Intrigue, which occasion'd their not agreeing with the Lord Lieutenant.

1672. After this a Consult was held by the Lord Mayor and Sheriffs, with Colonel *Talbot*, now Lord *Tyrconnel*, and his Brother the then Titular Archbishop of *Dublin*, as also with Sir *Nicholas Plunkett*, an old Irish Lawyer, before mentioned (who was formerly one of the Pope's Supreme Council at *Kilkenny* in *Ireland*.) This Consult was upon a *Sunday*, at *Talbot's* House, three Miles from *Dublin*, where it was resolv'd, That the Lord Mayor and Sheriffs should call a general Assembly of the City, and by the Act of that Assembly turn out the Recorder, together with those Aldermen who were opposite to the *Romish* Party. Matters were so far acted, in pursuance to this intended Subversion, that the Assembly was already in Council, but found all the Twenty four Aldermen unanimous; so that they could not, according to the Laws of that City, pass any Order, in regard that none could be made without the Assent of the Court of Aldermen, who sat in a Room by themselves. This was a fatal Obstacle to their Design, whereupon they sent to the Lord Lieutenant to be instructed how, and in what manner, they should proceed; and in the interim kept the Assembly shut up all the day. At last they receiv'd the following Directions, That one of the Sheriffs, with several of the Commons, should come into the Aldermens Court, and bring a Petition in the name of the whole City, to turn out Sir *William Davis* the Recorder, and seven Aldermen who were of the greatest account in that City. But notwithstanding the depth of this Policy, which was laid with all the Artifice and Subtilty it could be capable of, yet was the whole of it privately discover'd by one of the Sheriffs, which put the Aldermen into a posture of Preparation for their Defence; which was manag'd with that success, that upon its coming to be debated, the adverse Party obtain'd only the Suffrages of two indigent Aldermen, which gave a considerable check to the Intrigue. But then the Lord Mayor call'd a private Assembly, and not one of the Seven Aldermen were present: The Commons were call'd into the Aldermens Court, and there, in a tumultuous and irregular manner, they were turn'd out, and seven of the Rabble put in their places; as also *Leaton* the Lord Lieutenant's Secretary was made Recorder.

How it was effected.

Which opens the eyes of the Citizens.

This Revolution so awaken'd the Eyes of the Citizens of *Dublin*, that they began to make a more narrow Inspection into the main drift and tendency of it; which, within a Month after 'twas set on foot, they plainly perceiv'd was immediately level'd at the Foundation of the Protestant Interest and Religion. They now became apprehensive how miserably they had been impos'd upon, especially when they saw Papists brought into the Common-Council, and every day the disguise so thrown off, that they remain'd no longer doubtful of a most apparent and palpable design of introducing Popery.

1672. The Titular Abp. borrows things of the Lord Lieutenant for High Mass.

About this time *Talbot*, the Titular Archbishop of *Dublin*, apply'd himself to the Lord Lieutenant, and borrow'd some of the Hangings of the Castle, Silver Candlesticks, Plate and other Utensils, to use at a High Mass, which Sir *Ellis Leaton* got to be sent with the Complement of saying, *That he hop'd to have High Mass at Christ's Church at Christmas*; and which in all probability had been effected, if a Discovery of a most bloody and inhumane Conspiracy to be acted in this Year, had not seasonably prevented it: of which take the following Account.

A barbarous Plot against the Protestants there.

The Priests (by Directions from their Superiors) order'd their several Congregations at Mass, That at such a time every Roman Catholick should fix over their Doors a Cross made of Straw: The People were curious to understand the reason of this Order; but the matter was carry'd with so much secrecy, that the Priests themselves, 'twas believ'd, knew no more than that it was design'd to bless the Peoples Houses. This, in pursuance to the Advice and Instruction of the Priests (who, like so many infallible Oracles, are, upon all occasions, how difficult or unreasonable soever, most punctually obey'd) was generally perform'd, and at the same time vast Multitudes of Priests came from beyond the Seas; and it appears by the Sequel, That some of these were better acquainted with the bottom of this black and damnable Intrigue, than generally the poor ignorant

rant

rant Priests of Ireland were, to whom 'twas not by the Hellish Conclave at Rome thought fit to communicate a matter of this private and great Importance.

For one of these Foreign Priests finding several Houses which had not Crosses fix'd at their Doors, he warn'd the People, with great earnestness, to put them up; and further told them, That this Omission might be their Ruin, tho he would not name to them the particular Instance wherein. But amidst the People's various Conjectures, as to the occasion of this so general an Order, one of these Foreign Priests, more open-hearted than the rest, acquaints a Friend of his with this Design; which being by him communicated to another, and this other acquainting some Friend of his, at last by this Relation of it to several hands, the matter was so far divulg'd, that it was impossible to conceal it any longer from being publickly known. This intended Bloody Massacre was form'd after the ensuing manner: Upon a certain day (appointed for the Execution of this dismal Tragedy) all the Protestants were to be barbarously murder'd; and the Signal appointed to distinguish the *Irish* from these Hereticks, was a Cross of Straw put up before their Doors, which wheresoever that was not found, all those Houses were to be destroy'd. But this being opportunely discover'd, search was made, and Crosses were accordingly found at most of the *Irish* Doors, in the whole Province of *Munster*; which being made up in a very small compass, were not before taken notice of. Search was made for the Priest, who was the first Author of this Discovery; but he was not to be found: and the Government in Ireland was then so extremely biass'd, and discover'd so partial Affection to the *Irish* Interest, that no Encouragement was given to a farther Inspection into this horrid Plot; which upon a narrower search would doubtless have answer'd the whole of the Relation given of it by the Priest, and would have appear'd a most unchristian and unnatural, but upon these accounts (in the present sense and practice of the Church of Rome) a more Catholick Design. But such as were active and industrious in laying open this mischievous and pernicious Conspiracy, had their Cattel stole from 'em, and were threatned to have their Houses burnt; with such like terrifying Devices of the *Irish*, which they are not only wont to give out, but also to practise against such of the *English*, as endeavour to confront them in their evil Designs. This (together with the Connivence of the Government) put a stop to any farther Discovery; so that the whole was hush'd up, and pass'd over in silence.

Thus we see (to what Proficiency soever the Popish Interest had attain'd by the violent and irregular Proceedings of the Court of Claims, and other Artifices of its first rise and production) that it was then but in its Infant state, when compar'd with that Maturity it had now insensibly aspir'd to, under the Government of the L. B. The Duke of Ormond, when in the Government, did in the whole Conduct of Affairs so vigorously support the Protestant Interest, that he remain'd an insuperable obstacle to their Design, unless some method were taken to put him out of that Station; in order to which (as you have heard) the Lord Roberts was to be practis'd upon, whose Prejudice (they doubted not) would carry him to very severe Reflections upon the Duke of Ormond's Government. And indeed the Experiment answer'd the Design of the Undertakers; for the first thing the Lord Roberts did (which I should have mention'd when I spoke of his succeeding the Duke of Ormond, but however may not improperly be inserted in this place) was to pry into the Duke of Ormond's Government, and in a manner to incourage and invite Persons to make their Complaints; but 'twas found a difficult Task to find Faults after a Person of so great Honour and Integrity as he was. But however to put his Design in execution, he first gave opportunity to the Officers of the Army to make their Complaints; which not succeeding, he countenances the private Soldiers to offer their Grievances; and in order to this, appoints Commissioners to go round the Kingdom, but all to no purpose: afterwards he attempts the same in the City of Dublin, to see if they would complain for Quartering of Soldiers; but that Device came likewise to nothing. But, alas, all this would not fix him long in the Government: He was sent over but to serve a turn, and after being a necessary Instrument for a while, must give place to a fitter Agent, the L. B. who was now appointed to guide the Chariot.

Quem si non tenuit, magnis tamen excidit ausis; Tho he could not hold the Rein so steddily as fully to compleat the course, yet was the Undertaking noble in it self; and however it succeeded, could argue no less than a gallant Resolution for the Catholick Cause; and which indeed he had at last brought to that high pitch, as to draw

How it was discover'd.

The L. Roberts succeeding the D. of O. endeavour'd but could find no fault in his Governm.

Was succeeded by the L. B.

draw in the Populace (by amusing them with specious Pretences against the Magistracy) to an espousal of his Interest. But however it was happy for the Protestants that the Rabble at last became sensible that they had look'd at the wrong end of the Perspective, and that things had been represented to them in a false light, and in Colors quite different from what they now appear'd: Popery had now almost arriv'd to its Zenith, and wanted but little of that Perfection which that horrible bloody Contrivance before mention'd was design'd to compass; a practice of a parallel nature with the former *Irish* Rebellion, and *Parisian* Massacre, and the like infallible Demonstrations of the Church of *Rome's* undoubted Catholicism.

Sir W. Davis comes to London & makes Complaint against the Lord Lieut. 1672. E. of Essex appointed Lord Lieut. But 'tis high time to hasten to the aforesaid Affair of the Corporation. The reasonable Discovery of the afore-mention'd Sheriff gave the Aldermen the Opportunity of sending over *Sir William Davis* to *London*, who representing a true Description of this Design to the Earl of *Shaftsbury*, made that great Politician swear, That the *L. L. was a mad Man*; which Negotiation with the said Earl produc'd so successful an effect, that about a Month after the Earl of *Essex* was nominated Lord Lieutenant, which for the present interrupted the Progress of the Popish Design in *Ireland*, tho' the Natives of that Kingdom were so elevated in their Expectations of its succeeding, that they forbore not boasting to their Confidants of its Improvement at Court.

The Popish Designs in Ireland had discovered in England. This Romish Design, which had fully appear'd in its proper shape in *Ireland*, began soon after this to unmask it self in *England*; and a remarkable Passage occur'd, which not a little contributed to the untwisting of this Intricacy of State, which had been carefully spun with so fine a Thread. The King, the Duke of *Tork*, and *Clifford* the Lord Treasurer, were one day at a certain House, in a private Room, where one *Sir W. B.* (a Commissioner of the Excise of *England*, and of the Revenue of *Ireland*) came, and being a Person that frequently accommodated the King with Money, was wont to gain access at all hours, and in presumption of this Liberty was at the Door ready to enter the Room; but his hearing the King speak with more than ordinary earnestness, begat in him a Curiosity to hearken with some Attention, but could hear only some broken and imperfect Expressions. The Duke also spoke so low, that he could not understand him; but *Clifford* was loud as in publick, answering the King in a very audible and articulate manner, in these words: *Sir, if you are drove off upon Fears, you will never be safe; the work will do, if you declare your self with Resolution, there is now to stand by you.* The King reply'd, *This name Popery will never be swallow'd by the People*; upon which the King started off his Seat, and said, *Some body is at the Door.* Whereupon *Clifford* hastily open'd it, and without speaking, fell furiously upon *B*—, dragging him to a pair of Stairs, from whence he kick'd him down. Soon after this *B.* died, which was not improbably imputed to that Misfortune.

Here we may reasonably reflect upon those politick and (for some time) imperceptible steps, by which Popery gradually gain'd ground upon us, both in *Ireland* and *England*. In *Ireland* the whole Scheme had been manag'd with so much address, as to engage the Populace to their Party, as has been already shewn, in *England*; the Design was laid with that depth, and so profoundly disguis'd with the most artificial Delusions, that few (except some of the most Judicious, and these no otherwise than by Conjecture) were able to fathom it. But God, who brings to light the hidden things of darkness, and whose powerful Prerogative is such as oftentimes to disappoint the Wise in their own Craftiness, did wonderfully infatuate the wicked Devices of these Men, and that by an opportune Discovery, when they were possessed with the greatest hopes of its attaining its design'd effect.

Th. Sheridan an Instrument of Rome first appear'd. 1672. But to proceed upon the former Discourse, interrupted by this Digression: In this Year a little Instrument of the Pope appear'd, who by degrees became no inconsiderable Actor in the Affairs of the Romish Court, one *Thomas Sheridan*. This Man was educated in *Trinity College* near *Dublin*, where he commenc'd Master of Arts, and after that enter'd into the Holy Order of a Deacon of the Church of *Ireland*; but upon an intimate Acquaintance contracted with the Jesuitical Party, was discover'd by these politick Engineers of State to be a Person, whose natural Sagacity, join'd with his artificial Improvements (as to which none of his Contemporaries in the University could dispute the Precedence) might justly render him a fit Object for their purpose. This Design of theirs, co-operating with his boundless Ambition, made him not solicitous to aspire to an higher rank in the Church

Church (tho otherwise his pregnant Parts might reasonably have entitl'd him to very eminent Preferment in it) but now that he had another Game to play, he suddenly (to the admiration of all that knew or heard of him) abandons his Sacred, and assumes a Civil Profession, that of a Collector of the Customs in an out-Port of Ireland; a place he was as unqualify'd for, as he was deem'd capable of that of the Church; the place but an hundred and twenty pounds *per annum*. He remain'd three or four Years in this place, but not to the small Amazement of such as were acquainted with his Profuseness: For 'twas visible that his Salary could not answer a quarter of his Expence, living at a very extravagant height, in imitation of his Master Coleman.

At last the Intrigue appear'd more intelligible to some inquisitive Men, who began more narrowly to pry into it. For 'twas consider'd, that his being Collector of Cork (a great place of Commerce by Sea) afforded him Intelligence from all parts, whereby Letters from Rome, Spain, &c. to all the Popish Clergy could arrive safely thro his hands: and as this was answerable to their first Design of fixing him in that Station, so did it render him the more considerable amongst them; notwithstanding that, to avoid all Suspicion, he still put on the disguise of the Protestant Religion, which he counterfeited with so ingenious an air, that most believ'd him extreme in that Profession, and were apt to think him inclin'd to Presbytery, as deriving it from his Masters the Farmers, who were call'd *The Fanatick Farmers*, being a Set of Brewers in London.

Thus we see how this bigoted Votary of the Romish Church transform'd himself into a different shape, and cover'd his black Design with the Mask of Presbytery, as the Stalking-Horse to other Fowl, upon which his aim was set. But this could not remove the Suspicions of the most judicious, discerning Men, who consider'd his assuming an Employment (quite contrary to the Stream of his former Education, and to that eminent Figure which in all probability he might have aspir'd to in the Church) as an Introduction to some secret Project, which at present they could not comprehend, but soon after became fully inform'd in it. For the aforesaid Farmers going off, *Sheridon* (before their time was fully expir'd) obtains leave from them to go for London, and there the Vizard he had formerly worn was soon thrown off, and he (as in his proper colours) appear'd an absolute Creature of the Duke of *Tork's*, and at that time a great Consult was held to bring on the Deliverance of Ireland. For now the poor Catholics there (after their late Disappointment in the before-mention'd Intrigue of the Corporation) were almost in despair, and moreover his Royal Highness was in danger of losing his most faithful Adherents, many hundreds of them having continu'd there *incognito* since the L—B—'s time, expecting to be Officers; and these Men were very impatient.

The Earl of *Essex* was then in the Government of Ireland, a Person whose great Integrity and Prudence in the steady piloting of this tottering Ship of the State, is not easy to describe. This Skilful Manager of the Helm steer'd so judiciously at this nice Juncture, that notwithstanding the unweary'd Endeavours of the Popists, nothing could be effected to their Advantage whilst he kept the Sword. Wherefore a Project was thought on to take the Farm of the Revenue of Ireland, by which the whole Revenue of the Kingdom must pass thro their hands; besides that this offer'd to them the command of the Sea-Ports, together with the Convenience of employing in the Revenue, Fifteen Hundred Officers fit for their purpose. This being set on foot, took well, and *Sheridon* acted his share in it with great applause: For his being a Collector (added to his natural Ingenuity and great Parts) had now render'd him a great Proficient in the Affairs of the Customs and the Revenue. The Caution requir'd in the Management of this Intrigue, hinder'd the Duke from appearing in it, and Coleman was deem'd also a Person very unfit to be concern'd: for tho he assum'd the shape of a Protestant at that time, yet was he shrewdly suspected of Popery.

After several Debates it was concluded, That *Sheridon* was the most proper instrument to carry on this Affair; but then his Credit in London was not considerable enough for a matter of this great moment: So after several Attempts, recourse was at last had to one *Muschamp*, then in London, an old Projector, and one of the present Farmers, but a poor Man. This *Muschamp* acquaints another greater Projector than himself, one Sir J. S. but he was a Man of moderate Fame; however they could get none of Substance to join with them, and both these were rejecting Heads, and acquainted with Sir W. P. a Man of Ireland of a great Fortune, and whose Principles were most consonant to this Concern; who upon the Proposal

Letters to the Romish Clergy in Ireland, printed by him.

Was in disguise, the better to carry on his design.

1673. The E. of Essex govern'd very prudently there. The Popists protest the favouring of the Revenue.

1675. Sheridan is fit Instrument to carry it on.

Proposal being made to him, embrac'd it with this Assurance of having Men of Estates join'd with them. This being related by *Sberidon* to the Duke and *Coleman*, to effect it, 'twas found necessary to draw in some Man of Value, which seem'd to be a matter of great difficulty. But at last one *Ryder* (a young Man that had of his own, and Sister's Fortune, Twenty Thousand Pounds) was nam'd; but his being publickly known as an intimate Favourite of the Duke's, was lookt upon as almost an insuperable Obstacle: For all matters relating to *Ireland* were so closely and tenderly handl'd, that notwithstanding the Duke carry'd the greatest stroak, yet he acted so much at a distance, that he appear'd to be outwardly unconcern'd. However the Exigency of this Affair was such as necessitated him to shew himself more open in this than upon former occasions; and therefore to facilitate their purpose, *Ryder* was engag'd, together with some other small Men, who were also prevail'd upon. The business thus lain, they appear'd upon the Stage, and bid for the whole Revenue of *Ireland*.

1675.

The E. of
Essex in-
form'd of
designs to
remove him
from his Go-
vernment.
Obtains
leave to
come to
England.

The Earl of *Essex*, who receiv'd constant Intelligence from Court, and from some of the Popish Clergy in *Ireland*, about this time had an account of Designs to remove him from the Government; and how one part lay in taking the Farm: upon which he obtains leave to go for *England*, leaving the Lord Primate, and the Lord *Granard* Justices. Upon his Arrival at Court, he perceiv'd the Game ran high for Popery, and the best way to prevent it, was not by downright opposition; he therefore concludes upon a more prevailing Method, which was to make court to the Duke of *York*, which he manag'd with so much Art, and so skilful an Address (as indeed he was very capable of doing beyond their Conclave at *Rome*) that notwithstanding it was resolv'd that he should depart, he was kept so long in *England*, till Orders came from the Holy Fathers for his Return to *Ireland*.

The D. of
Y. thinks
him of their
Party.

He had so far wound himself into the Duke's good opinion of him, that he thought him secure for their Party; and as the first Testimony of his Integrity, he had Instructions from him to promote *Sberidon* and the Farmers: which the Earl manag'd with such great Wisdom, as at once to please the Duke, and yet to be serviceable to the Protestants of *Ireland*, who had now been in a lost irrecoverable Condition, if his admirable Conduct had not prevented it.

1676.

Returns a-
gain into
Ireland.

And now this great Man returns for *Ireland*, to steer again in that Government threaten'd by approaching Tempests; the Farmers also going over, enter upon their business. Sir *W. P.* became very notorious, in declaring not only to employ Papists, but that he would have the Priests collect the Hearth-mony. Some were apt to believe that this was done on purpose to get off: but those who were most intimate with him, speak quite otherwise, and that the hopes of being created a Lord, and a Privy Counsellor, so transported him beyond all the bounds of Moderation, as induc'd him to take this violent course, the more to ingratiate himself with the Duke; but, like the *Ass* in the Fable, beat his Master down in imitation of the Spaniel's fawning: and tho he was a Man of great Learning, and of a Mathematical Head, and bred abroad, yet so vehemently desirous of Riches, as hurried him often into great Extravagances.

How he
dealt with
the Irish &
the Far-
mers.

The Earl of *Essex* being landed in *Ireland*, had a difficult Game to play; he had 'tis believ'd made fair Promises of being kind to the *Irish*, and to stand by the Farmers: to the first he gave good Words, and receiv'd them well at Court; but the Farmers they began to model their Officers, and if some speedy and effectual stop was not put to these Proceedings, the whole Ports of the Kingdom would soon be in Papists hands, which was like to prove a matter of most dangerous Consequence. To defeat this Intrigue, requir'd a more than ordinary presence of mind, and a deep foresight; which as this wise Earl was endow'd with in a very high measure, so did he signally shew it upon this occasion. There was but one way to effect it, and that was by raising Scruples as to the Value of the Farmers and their Securities; but this he must not appear in, but instructs some of his Confidants of the Council, to act that part for him, and there was one who, till this late Catastrophe, was thought to be of great Integrity and Honor; the Lord *Granard* he was bold and daring, and a mortal Enemy to Sir *J. S.* wherefore he moves at the Council-Board, that Inspection should be made into the Securities of these Farmers. The Proposal was well accepted by the rest of the Council: For indeed they were Men (as Sir *W. P.* said truly of them) viz. Farmers pick'd up in the Streets, with this Disadvantage, that take the first seven men you meet, and they shall exceed these for every thing but cheating. The Earl of *Essex* seem'd to oppose the Council in this Vote, put it off, and acquainted the Farmers, and also gave

gave an account of it to the Duke, whom he had now so far gain'd upon as to become a Confident. But every day usher'd in new Complaints against the Farmers running away with the Money of the Kingdom, &c. which for some time the Earl seem'd to decline; but at last (in appearance against the grain) agrees with the Council, and sends over to the King the Objections against the Farmers, which in short were so great, that they were not to be trusted. Whereupon Commissioners of Inspection were set over them; one was the Earl of *Essex's* Confident: and these Men attended the motion of the Farmers with so vigilant an eye, that nothing could be effected.

In this manner was this great and dangerous Plot (carry'd on for several Years by the Duke and his Minions) most miraculously defeated by the upparallel'd Conduct of that Prudent Earl, who so far out-vy'd the *Romish* Politicks, as to cajole that Party into an Approbation of those Proceedings, which prov'd fatally destructive of their Design; which so disheaten'd those two Accomplices, *R—* and *Sheridon*, that they flung up their Parts, and return'd to Court; the last to attend his Master *Coleman*: who happen'd to come in a fit time to succeed him in his Employment; for not long after this, the Popish Plot was brought upon the Stage, in which *Coleman* was Prime Minister, who being afterwards executed, and *Sheridon* speaking something in favour of his Cause, was apprehended, and after some time was brought on his knees at the Bar of the House of Commons, where he had Impudence beyond humane shape, to set forth in a flourishing Speech the Greatness of his Family, viz. that he was in the right Line of the Kings of *Ulster*, antiently call'd *O Sheridan*; that to his Father belong'd a vast Estate, which by the Misfortune of War (meaning the former Rebellion) he was wrongfully put out of; with abundance of the like impudent Falshoods, and most notorious Untruths.

And so defeated the Romish designs.

Sheridon, &c. came to England.

His Impudence before the H. of Commons.

Whereas indeed his Father (too honest a Man for so base, and so degenerate a Son) was before the late Rebellion in the County of *Cavan*, taken in a poor Boy into a Bishop's House for a Turn-spit; and the Bishop observing the Boy to be of a docible Temper, and capable of Instruction, and finding him educated a Papist, charitably put him to School, where he was taught his Grammar, and was found to be so industrious a Proficient in School-learning, as to encourag'd the good Bishop to ordain him a Deacon, in which Capacity he continu'd under the Bishop till he died. And when the Rebellion broke out so violently, that few *English* were left in the Country; yet this poor Man remain'd with such as stay'd, and read Prayers among them, till all were either murder'd, or had deserted the place. But he being a poor old Man, and having nothing to remove, continu'd where he was, the *Irish* suffering him to reside amongst them; but by all their Importunities (notwithstanding their great Eagerness to make Converts, compassing both Sea and Land to proselyte any to their Church) could never prevail upon him to go to Mass. This Man had three Sons, which (as well as those turbulent times would admit) he educated Protestants; and upon *Oliver's* Reduction of *Ireland*, he was so taken with the Character of this poor Man, which was faithfully represented to him by the *English* of the North, that he not only order'd a Maintenance for himself, but also for his three Sons, whom he order'd to be maintain'd in the College near *Dublin*, where they all improv'd themselves to an eminent degree of Learning and Parts. This is an impartial account of *Thomas Sheridan's* Pedigree, whose Sisters and other Relations were in Brogues and Kerchiefs, the *Irish* Garb for Women. The Author saw them not many Years ago in this Condition, and knowing this story of *Sheridon*, was heighten'd in his Curiosity of being the more inquisitive after it in the County where his Father was born, and found that he was of the *Cologues*, a Name which the *Irish* call *Cotchers*.—— And none of his Kindred, the *Irish* affirm, were ever better. I should not have given the Reader the trouble of this Digression, but that I deem'd it not altogether unpleasant to represent the unparallel'd Impudence of this Man, who could attempt to speak of his high Extraction before the House of Commons, when the meanness of his Original and Descent was so universally known in most parts of the North of *Ireland*. But to what degrees of Extravagancy will not the Confidence of an *Irish-man* transport him? And whither will not that audacious Arrogance (with which the Natives of that Kingdom are most plentifully stock'd) carry and invite them? The ridiculous Genealogies which the *Irish* have fram'd of themselves, as to their Heroical Ancestry, Antiquity of their Nation, their Eminency for Literature, and extraordinary Piety in former Ages, are Fopperies not to be wonder'd at; when in these days the Author by his own Experience can give an account of several of the *Irish*

His true Pedigree.

Gentry, who have laid aside both their former Names and Relations, and have created new ones to themselves, which they pretend to be deriv'd from a numerous Train of Noble Progenitors, tho' this be publicly known to be a Chimerical and fictitious Invention.

The E. of
Essex by
his dealings
with
the Farmers,
contrasted the
Hatred of
the D. of
York.

1677.
Means
sought out
for his Re-
moval from
his Govern-
ment.

But to return again to the Earl of *Essex* (from whence this Account of *Sheridon* has caus'd me to digress) tho' his politick Carriage in the Business of the aforesaid Farmers, discover'd a dextrous and prudent Government; yet did it contract upon him the Hatred of the Duke of *York*, who from this time set up private Designs against him, of which the Earl had constant Intelligence; but at last was not able to withstand them, the Prejudice rising so high, till the Duke obtain'd a Resolve for his removal from the Government.

The way to accomplish this, was to find out a Man that would lend the King Money, and the Earl of *Bridlington* was pitch'd upon. *Talbot* had (by the Relation of a Brother of his married into that Family) some Interest, but was not look'd upon as a fit Person to break it to the Earl; so another was found, by the Earl of *Orrery's* means, who had been disobligh'd by the Earl of *Essex*, and by that way it was pursu'd. But tho' the Earl of *Bridlington* might have had a mind to the Government, yet would he part with no Money; and the King's Necessities were the great Inducement whereby to prevail upon him to remove *Essex*, and *Bridlington* being unwilling to supply them, no other Pretence could be found out to work on the King.

The E. of
Bridlington
pitch'd
on to suc-
ceed him.

'Twas admired by all for what Reasons the Earl of *Bridlington* should be thought on, in regard that none but the Duke's Party were in the Intrigue. But the Romish Faction well understood, that altho' the Earl of *Bridlington* was not fit to carry on their main Design; yet they knew him governable, and were in hopes to put things upon him, that might bring matters into a leading way for another they had in their Eye, not fit here to be nam'd. But these things missing of their design'd Effect, they were now at a full stop, tho' no occasions were omitted of making daily Objections against the Earl of *Essex*.

A Design
to bring
Forces into
Irel. from
France to
help on the
Popish Plot
in Engl.

The Popish Conspiracy (as has been already hinted in discoursing upon *Sheridon*) advanc'd apace by *Coleman*, and the Parliament began now to be apprehensive of the present Proceedings, and of the Alliance with *France*, which they utterly disapprov'd of. The L——B—— was sent in quality of the King's Ambassador to *France*, and Sir *Ellis Leaton*, his Secretary in *Ireland*, accompany'd him; but neither of them were judg'd fit to be trusted with the Secret Designs. For at that time there was a Design for the *French* to set up their Demands, for the *Irish* to have the Articles made by King *Charles* the Second with the *French* King in their favour perform'd; and the King of *England* was to admit the *French* to land Men, under pretence of being got by private Compact of the *Irish*: the Earl of *Tyrone*, Lord *Brittas*, and others, being to raise Men in *Ireland*, in order to make a Diversion to the putting the Popish Plot in force in *England*. But the whole of this was kept private from the King, only so much of it as refer'd to the *French* King's demanding the Promises made by him (when in Exile) in favour of the *Irish*. The Duke undertook to qualify the King, if any Discovery should be made of the *Irish* intended Insurrection; but this was divulged by some of the *Irish*, and the King hardly prevail'd with not to believe it. The L——B—— was recall'd from *France*, and sent to *Nimeguen*, and Complaints were made by some Merchants against Sir *Ellis Leaton*, who being question'd before the King and Council, spoke very intemperately, and among other words said, He wonder'd how these Merchants durst presume to speak any thing against the greatest King in *Europe*, as the *French* King was; for which indecent Expression he was committed; it being justly accounted great Impudence for him to affirm, in the presence of the King, That there was any other King greater than himself.

D. of O.
sent again
Ld. Lieuten-
ant.

1677.
1678.
Who would
not allow
the forces
rais'd in
Ireland to
have Arms.

The King and Council finding some cause to believe, that there were Designs of introducing Popery in *Ireland*, pitch'd upon the Duke of *Ormond* as the only Pilot for that Kingdom in a Storm; and accordingly he was sent over. The Duke of *York* did not then think it seasonable to oppose it, tho' he was conscious 'twas fatal to his Design. But however he wrought so powerfully with the King, that Orders were given to raise Men in *Ireland*, under the Notion of Foreign Service. They were all compos'd of the Natives of the Kingdom, excepting some Protestant Officers fit to make Catholics of. The Duke of *Ormond* would give them no Arms, so they were exercis'd with Sticks; and in a little time the Plot in *England* was discover'd, and they all disbanded. Upon which a Discovery was made by the *Irish*,

Irish, of the Popish Conspiracy in Ireland; and it was very remarkable, that in the whole Discovery, not one Protestant appear'd as an Evidence against the Papists. A pregnant Instance of the great Impartiality and equal Demeanour of the *English* towards the Natives, who altho they were now presented with various Opportunities of destroying those whom they knew to be their implacable Adversaries, yet declin'd all Information against them; a Practice as peculiar to those of the Protestant Communion, as different from the indirect Principles, and barbarous Proceedings of that of the Church of *Rome*, as has been but too manifest in those horrid Perjuries, and notoriously false Accusations, which the *Irish* have been palpably convinc'd of in their daily Impeachments of the *English* in the Reign of the late King *James*, as will appear in the Sequel of this Discourse. But notwithstanding that 'tis so universal a Practice of the *Irish* to swear such of the *English* as they bear prejudice to out of their Lives and Estates, if possible, or at least so vigorously endeavour it, as to stick at no Affidavit, how inconsistent soever with Truth, or but a rational Probability; yet were the *English* more just than to transcribe so base an Example, or to propose that impious Maxim of the *Romish* Church, *Of doing Evil that Good may come of it*, as a Rule of their Imitation, which the Apostle *St. Paul* has so plainly pronounc'd Damnation unto. And indeed if we descend to an impartial Inquiry after the opposite Principles of the two Churches in this Case; we shall no longer wonder at the great Integrity of the *English*, nor at that barbarous Violation (in the other Party) of a Rite of the greatest Solemnity, and most Sacred Institution, which all Christians ought to account an Oath to be, and which the whole Christian Church (except that lame and corrupt part of it which we call the *Romish*) does, upon its being administred under legal and requisite Circumstances, justly reckon as indissoluble. But what if the other Christian Churches, which are but a vile Rabble of Hereticks and Schismatics (tho if dividing Christendom into five Parts, they make up more than three) can pretend to no dispensing Power in this Case; yet what cannot the Vicar of Christ do in *Cathedra*, who has the Keys of Heaven at his Girdle, and can lock and unlock as he pleases, according to our Saviour's Commission, which he will needs have limited to his Person as his Vicarial Prerogative, but unlimited in its Authority; *Whatsoever Sins ye remit, they are remitted; and whatsoever Sins ye retain, they are retained*?

The Difference between the Principles of Protestants, and those of Rome.

But to leave this Despotick Power of Absolution in the Chair of Infallibility, which (God be thanked) we are neither ambitious of, nor do pretend to, it will not be unreasonable to consider, that whatever Complaints were made by the *Irish* as to their severe Usage in the Popish Conspiracy (of which they make many tedious Harangues) 'twas plain, that if there was any such, 'twas acted by those of their own Party, and such as profess'd their own Religion, who were indeed the fittest Agents for so black an Intrigue, there being none of the *English* any way interested in it.

Neither can I omit mentioning the great Integrity and Justice of the Duke of *Ormond* then Lord Lieutenant, in his unbiass'd and equal management of this Affair: For tho Prejudice and Partiality might have prepossess'd some Men, and have serv'd to awaken their Resentments against the *Irish* at such a Juncture as this; yet did he carry himself with so single an Eye, and observ'd so steddy and even a Course, that 'twas difficult to perceive the least Deflection in him upon either hand. 'Tis true indeed, the Law had its due Course; but this was owing to the evidence, which those of their own Party and Religion made against their Associates in the Conspiracy; and therefore if any Irregularity was committed, it cannot justly be charged on the Duke or his Subordinate Ministers, by whom the whole was manag'd with an equal Moderation and Indifferency.

The D. of Ormond's great Integrity and Justice.

But I pass from these Reflections upon the Carriage of the Duke of *Ormond* and the Protestants, to a Discourse of Affairs relating to the whole Plot in Ireland: Upon the Discovery whereof, Orders came from *England* to disarm the Papists; but they receiv'd such timely notice of the Design, by their Creatures at Court, that ere were not found two hundred Arms in all *Ireland*, the *Irish* having a Contrivance of concealing their Arms by thrusting them into Bogs, filling the Barrels of their Guns with Butter, which suffers them not to take any harm; and as for the Locks they can easily hide them. The Lord *Brittas* and others made their escape to *France*, but the Earl of *Tyrone* was taken, and committed to the *Gate-house*. *Widon* was seiz'd in *London*, but nothing could be prov'd against him. *Talbot*, an *Tyrconnel*, was confin'd a Prisoner in the Castle of *Dublin*, together with his Brother,

Papists in Ireland order'd to be disarm'd. 1678.

ther, the Titular Archbishop, where he dy'd. The Duke of York went for *Flanders*; which made the *Irish* even to despair, and made one of their Lords to declare, with a great Oath, That he believed *Jesus Christ* was a Protestant, for that nothing they could do did prosper. The Duke of Ormond was extremely solicitous to settle the Militia in *Ireland*, and order'd their watching equal with the Army. And now notwithstanding the publick Fears of the Popish Conspiracy in *England* and *Ireland*, yet was the *English* Interest in *Ireland* of greater Value than ever, grounded upon a general Opinion of the *English*, that the Plots of the *Irish* were now so fully unravel'd, that the King would extend no favour to them for the future.

The D. of York goes to Scotland with Sheridan.

D. of Ormond endeavours to have a Parliam. in Ireland, but prevented by the D. of York.

A new Project against the English by erecting a Court of Grace.

1683.

The Duke of York goes for *Scotland*, and with him the Second Coleman, Thomas Sheridan, who still profess'd himself a Protestant, tho his Actions at this time gave a sufficient Demonstration to the contrary: For from *Scotland* he writ over private Encouragements to the Popish Party in *Ireland*, and put them in some hopes. But the *English* were not apprehensive of any danger, improving their Estates, and the Trade of the Kingdom, more than ever, and never esteeming themselves more happy than at this juncture, as being quietly seated under the Care and Influence of the Duke of Ormond's Government, who now endeavours to have a Parliament call'd in *Ireland*, and succeeded so far as to obtain a Grant; in pursuance whereof a Bill drawn by the Lord Lieutenant and Council, is sent over to the King. But the Duke of York's Interest interceding, obstructed any farther Progress, who came with all expedition from *Scotland* to put a stop to that Design; which the *Irish* were so confident of before it was done, that they stuck not to affirm they were well assur'd there would be no Parliament whilst King Charles lived, and would frequently discourse with that liberty and boldness, as if the Duke of York had been actually seated on the Throne, upon a presumption he would arrive speedily to it.

Ireland had now continu'd for two or three Years in great Tranquillity and Quiet, when upon a sudden a Stratagem was set on foot, laid as deep as Hell, and yet seemingly for the Advantage of the *English*, which take as follows. In the Settlement of *Ireland*, there were overplus and conceal'd Lands said to be in possession of divers of the *English*, but in truth much more in that of the *Irish*. Now to insure the Titles of the *English* from any future Discoveries (as was pretended) a Court of Grace was to be erected, where all that would, had the opportunity of putting in their Claims: and upon proving their Possession, and compounding with the Commissioners for payment of such a Sum as they thought fit to impose upon them, they were to pass new Patents. It was also given out, that it was safe for all new Interests, to pass that Court, and that it would strengthen their Titles. This Policy had its intended effect, for many Persons came in, and considerable Sums of Money were paid. But under what plausible Pretext soever this Court was set up, 'twas soon perceiv'd as a Snare to the *English*: For its Design was to make a narrow Inspection into all Mens Titles, and thereby to discover what Advantage might be deriv'd from it. For by the Act of Settlement, all the forfeited Lands in *Ireland* were only vested in the King, as a Royal Trustee, for the use of the Soldiers and Adventurers, and could be no way dispos'd of, but according to the intent of that Act. Now whereas there were several *Irish* out of their Lands decreed them by the Act, for want of Reprisals; the King's Patent could not give any Land away, but in pursuance to the Intent of the Act. By which it appears, that this Court was erected to prepare Pretences for the *Irish*, when opportunity should invite; and tho all this was negotiated thro the Duke's Interest, yet none of that Party appear'd in it, but the whole of it was transacted by the Dutchess of Portsmouth, who had the Money got by Fines out of it.

Who was the Contriver of the Project; a Character of him.

Because there will be occasion in the further discovery of this Treachery, to name a principal Actor in the Catastrophe of *Ireland*; I shall now nominate him that was the Abettor and Contriver of this Mischief, 'twas one W. who sometime before bought a Judge's Place in the *Exchequer* for Eight hundred Pounds. This Judge was found a fit Tool to make use of, and being a cunning *Ambo-dexter*, form'd this Intrigue, which had prov'd fatal to the Protestant Interest of *Ireland*, if Affairs had succeeded in the same Current they had now put them. But I must not forget to add, that to make this Poison go down the more easy, the Pill was gilded over: Most of the Judges were made Commissioners, and had part of the Fines; the Lawyers and Attorneys got Money by the Court: so that consequently all that were capable of understanding the Cheat, were interested as Parties in the Intrigue, and by this means some of the Lawyers and Attorneys purchas'd

Estates,

Here you may perceive a most black Design speciously represented as a fit occasion to lay hold on, whereby to corroborate the *English* Interest, tho in truth nothing could more effectually weaken the Protestants Titles to their Estates, and strengthen or improve those of the *Irish*; and this not only manag'd, but at first set up by a Protestant. And indeed this gave a more plausible colour to it, and made it the more easily gain Belief with the *English*, that the true Reas'ns of its Erection were the same with those that were pretended, because first advanc'd by one of their own Party. A sad thing indeed, that *Englishmen* and Protestants should by base and unworthy Compliances become such servile Instruments to the advancement of the Popish Cause! A Calamity, which as it had made some steps before, so did it improve to an infinite Progress, when the late King *James* was in possession of the Throne. In which time too many Men who were reputed Protestants, thro a mean and pusillanimous Disposition, were not seldom Co adjutors with the Papists in such violent Proceedings, as carry'd a direct Opposition to the Laws and their Religion.

D. of O.
comes to
England,
but can't
obtain a
Parliam.
1683.

1684.

The Irish
shew much
Joy on the
D. of York
his Accession
to the
Throne.

a precipitateness of the *Irish*: For (said he) let my Countrymen alone and they will spoil their own Business: And so indeed they had in any time but this, when it might be said according to our Saviour's Prediction, *That the time was come, when they that destroy'd the Protestants thought they did God Service.*

K. James
and the
Irish went
on furiously
in their
Councils.

1684.
The D. of
Ormond
recal'd.

King James and his former (but now more especial) Favourites the *Irish*, were now equally furious in their Course, and seem'd to contend (the one in his Commands, the other in their forward Obedience) which should exceed in their joint Design of extirpating Heresy. The Duke of *Ormond* was call'd over, but before his Departure, labour'd with an indefatigable Diligence to establish Matters on such a Foundation, that it might not be easy for them to create a present Change, without a manifest Violation and Infringement of the Laws and Constitutions of the Kingdom. The new Hospital, a stately Fabrick near *Dublin*, erected for poor Soldiers, would (he foresaw) be made a Nest for Hornets; which to prevent, as well as possible, he sat several days with the Council and Judges in private in the Castle, and there made all the provision that could be for it, against the imminent Storm. One remarkable Passage I must not omit to mention, which demonstrates the great Spirit of that excellent Person. At the aforesaid Hospital he appointed a Dinner for all the Officers of the Hospital, and the Officers of the Army then in *Dublin*; which being over, he took a large Glass of Wine in his hand, bid them fill it to the brim, then stood up and call'd to all the Company, *Look here, Gentlemen, they say at Court I am now become an old doating Fool; you see my Hand doth not shake, nor does my Heart fail, nor doubt but I will make some of them see their Mistake: and so drank the King's Health.* But upon his Arrival at Court he found that K. James's bigotted Opinion would carry him to the most violent Actions, a dismal Apprehension whereof, as is believ'd, at length broke his Heart; for tho he was of a great Age, yet he was of such Health of Body, and Cheerfulness of Mind, that in course of Nature he might have liv'd Twenty Years longer, as his Mother did. 'Twas plain that the *Irish* could fasten no Calumnies upon him, when the first thing they reproach'd him with, was cheating the Army in building the Hospital; and that *Robinson* the Architect had enrich'd himself by it; when indeed, not to lessen any thing of his due Character, *Robinson* shew'd the parts of an excellent Artist in the Contrivance, and of an honest Man in the Charge, as Men of Value and Experience in Building affirm.

The Govern-
ment put
under the
Ld. Primate
and the Ld.
Granard.

1685.

Upon the Duke of *Ormond's* Removal, the Government was put into the hands of the Lord Primate, and the Lord *Granard*, in the quality of Lords Justices. The *Irish* fell immediately to their old trade of making Plots, but with this difference, That whereas they had formerly been the Actors themselves, they now plac'd them upon the *English*, whom they daily impeach'd of Designs against the King and the Government. The Grandees had the confidence to appear in Vindication of such Evidence as was given against the *English* (tho it was altogether as unreasonable as untrue) and press'd the Lords Justices for Orders of Council to empower *Irish* Papists and Mongrel Protestants to examine them, and to commit, if they saw Cause, without Bail, any Person impeach'd. This Arbitrary Power the Lords Justices and Council would not agree to; yet were so Hector'd and insulted by them, that they issu'd out Orders of Council to examine and commit; but always they were directed to Protestants, which weary'd the *Irish* of that Stratagem.

Some *Irish*
drink Con-
fusion to
the Prote-
stants.

One thing has been omitted, which was, that before the Duke of *Ormond* left the Government, an Order came for regulating the Council, which he left for the Justices to do; and most of the *English* (that were active) of the Privy-Council were turn'd out, but as yet no *Irish* Papists put in. The *Irish* Lords and Gentry repair'd in great numbers to *Dublin*, and as well Gentry as Commonalty of the Natives in all Places reproach'd the Protestants and their Religion, with all the Calumnies and impious Reflections, that the rankest Satyrists could invent. At *Leislip* seven Miles from *Dublin*, the Lord *Clawriccard*, Sir *Valentine Brown* (now created a Viscount by the late King James) Colonel *Moore*, and some others upon their Knees, drank Confusion to all Protestants and their Religion. This was taken notice of, and the wiser sort of their Party blam'd these Men for their forwardness, as judging it could not be safe to go on so fast; but to stifle the noise of it, such as were Eye-witnesses of the Fact, and threatned not for Pledging the Health, were seiz'd with Warrants, and menac'd with having their Throats cut, and the like terrifying Arts, if they deny'd not the thing. Sir *Standish Harston*, one of the Barons of the Exchequer, was threaten'd to be eas'd of his Employment, if he took not off his Son-in-law who reported the matter.

These

These daily repeated Insolences of the *Irish* made the Lords Justices weary of their Government; and one of them (the Lord *Granard*) writ to *England* to be dismiss'd. But in a Consult of the Papists it was resolv'd to represent him as a Man fit to be kept in, for that his Interest was very prevalent in the North among the *Scots*, and he had for many years in King *Charles's* Reign been a Pensioner, and had Five Hundred Pounds *per annum* given him to distribute among the Presbyterian Clergy; of which Persuasion his Lady was. For the aforesaid Considerations, and besides that he was a popular Man in the Army, 'twas judg'd convenient to retain him in the Government: For which end King *James* writ him a Letter with his own hand, with great Promises and Assurance that nothing should be acted prejudicial to the Protestant Interest, which at that time this Lord was accounted to be zealous for, however he has now prevaricated.

Monmouth's Rebellion soon broke out, and some were apt to believe that *Granard* 1685. was in suspense whom to declare for; but the Lord Primate was a Person of firm and inviolable Loyalty, and his unalterable stedfastness hinder'd the other from deserting. These two Persons by their united Interests, one for the Church, the other for the Dissenters, kept things in a quiet posture in *Ireland*, and were so well plac'd by King *James*, as made them not only of Opinion, but persuaded others to be so too, that the King would never expose himself to the hazard of preferring Papists in that Kingdom, where the *English* and *Scots* were so unanimous against 'em: And besides that they were so well furnish'd with Arms, as having the Arms of the Militia (so lately settled) in their hands. But the Popish Party grew bold and insolent, and every day afforded but too convincing Occasions of new Fears to the Protestants.

The Lord Granard desir'd to be remov'd, but was deny'd, and why.
The Lords Justices kept things quiet during Monmouth's Rebellion.

Monmouth's Discomfiture gave liberty to the *Irish*, more than ever, to contrive Plots, and to fasten them upon the Protestants, which put the whole Kingdom into a Ferment; for the *Irish* pretended, that the Protestants assembled together in great numbers in the Night: and to gain the more Credit to these Hellish Inventions, the vulgar *Irish* were instructed to leave their Houses, and to hide every Night in their Bogs, upon a pretence of fear that the *English* would come in the Night and cut their Throats; a Practice as notorious in the Church of *Rome*, as unheard of among Protestants, and which there could not be the least Ground or Foundation for at this Juncture. For besides that in most parts of the Kingdom the *Irish* were infinitely more numerous than the *English*, nay in some an hundred Families for one (I suppose I speak much short of the true account) which shew'd the Impossibility of putting any such thing in execution; had it been ever intended, it must needs be accounted an absurd and ridiculous Contrivance to any Man of common Sense. So were the *Irish*, tho' conscious to themselves of their own bloody Actions in the former Rebellion, well enough assur'd that the *English* never imagin'd, much less would attempt any such thing. They were convinc'd as well by their Practices (which had been but too favourable and indulgent to the Natives in the former Reign) as by the Principles of their Religion, that they were not Men of Blood; nay, and would frequently confess, that they were never known to be addicted to Cruelty and Murder, to barbarous Massacres, and inhuman Assassinations, which they could not excuse some of themselves from. And indeed whoever considers the difference betwixt the Reformed and Romish Church in this respect, must needs acknowledg a most strange Opposition betwixt them. To see the antient practices of the Heathen Emperors so drawn to the Life, nay outdone by the present Romish Faction, is to some a Demonstration that the persecuting Spirit, which reign'd with so much Predominancy in the Infant days of Christianity, is now strongly reviv'd in this degenerate Church, which is apparently in this, and other principles, upon her retrograde Motion to antient Gentilism. And upon the other hand, whoever considers that Spirit of Peace and Meekness, of Mercifulness and Universal Charity, which governs with so absolute an Empire in the Minds of those who have duly embrac'd our Profession, must needs own, That our *English* carries that true Badg and Characteristick Evidence of Christianity, for which the imitative Church was justly accounted so illustrious. But not to dwell any longer on this Reflection, with what Malice and Injustice soever the *English* were represented as Night-Walkers, and designing to murder the *Irish*, yet were Examinations of these Impeachments taken by Justices of the Peace, calculated for the purpose, and these were sent to the Lords Justices and Council; and altho the Accusations were notoriously false and irrational, as has been already shewn, yet for not being prosecuted with that open Partiality and Rigour, which these envious, implacable

Irish pretend Fears of being massacred by the Protestants.

The Improbability of it.

placable Spirits were impatient for, Complaints were made to the King by the *Irish*, and he to gratify their Malice, sent private Instructions, with a Reprimand to the Lords Justices about this Affair : Upon which a Proclamation was issu'd forth forbidding all Night-Meetings, &c. tho the Lords Justices and Council well knew there was no such thing. This Artifice of the *Irish* was but in order to make way for greater Mischief, by preparing Evidences to bring the most considerable of the *English* into Plots.

Ore Moor
indicted of
High Treason
by the
Papists.

Their first Onset was with one *Moor* of *Cloyamel*, who was indicted for High Treason before Sir *John Mead* in the Palatinate of *Tipperary*. This *Moor* was a Person of a vast Estate, which made them bend their whole force against him. Now to countenance the Design, *Tyrconnel* and *Justin Maccarty* came to *Clonmel* to the Trial, and in the publick Court assum'd to reproach the Judge and the Jury ; *Maccarty* calling him Fanatick, and he and *Talbot* aspersing him and the Duke of *Ormond* for employing such a Rogue, with other Calumnies, in such Language as was only fit for such Bloodhounds to express. Notwithstanding *Moor* and some others that were impeach'd, were quitted. But such an extravagant partial account was sent over to the Court of that Action, that the King question'd the Duke of *Ormond*, how he came to employ such a Fanatick ; to which the Duke reply'd, he did it in duty to his Majesty, as believing he could not intrust a better Man than one of his Majesty's Servants, for so he was when Duke of *York*, being then his Attorney General in *Ireland*.

1685.

Tyrconnel
new models
the Army.

Tyrconnel then began to model the Army, but the introductory part first to be perform'd, was to get in all the Arms from the Protestants ; and this Design was varnish'd over in as fair Colours as the Ground would bear. But however, its direct tendency was plainly obvious and visible to every Eye. The King and Council writ over to the Lords Justices and Council, that there was reason to believe that the Rebellion of *Monmouth* had been of that spreading Contagion, as to infect many, and delude more. It was not therefore safe for the Kingdom to have the Arms of the Militia dispers'd abroad, but they would be in a greater readiness for the Militia, and their own Defence, to have them deposited in the several Stores of each County. Upon which Instructions a Proclamation issu'd forth ; and to make it take the better effect, the Lord Primate first began with the City of *Dublin*, and sending for the Lord Mayor and Aldermen, makes an elegant Speech to them, magnifying their unshaken Loyalty in the worst of times ; and withal adding, that their ready Obedience and prevalent Example would be of great Service to the King and Kingdom : And in the close of his Speech tells them, that they expected their compliance in bringing in their Arms, which should be always ready for their Service. The City were sensible of their Condition, but knew likewise that 'twas to no purpose to dispute as to their Obedience, so brought in their Arms. The Country pursu'd this Precedent ; and to render the Design more effectual, the *Irish* gave out, That if any Arms were reserv'd in the Protestants hands, such would be interpreted as Persons disaffected to the King and Government, and that it would be no Excuse to say they were their own Arms, and not belonging to the Militia. This frighted many, and operated so powerfully, that abundance deliver'd in their Arms bought with their own Money.

Tyrconnel
expels Of-
ficers that
had be-
long'd to
the Parlia-
ment, &c.

The Protestants being thus disarm'd, *Tyrconnel* proceeds to destroying the Army, and first begins with the Officers in the same method which was design'd immediately before the Death of the King, which was to displace all Officers that had been in the Parliament or *Oliver's* Army, as also the Sons of any such. This the Duke of *Ormond* had directions to proceed in when he came last from *England* ; but he made no Progress in it, under pretence of gaining time to find them out, for he foresaw it was to make room for Papists.

Comes to
England,
and brings
with him
one *Neagle*.

Tyrconnel (for so we must call him for the future) proceeds in his Design, and after turning out a great part of the Officers, returns for *England*, and carries along with him one *Neagle* a cunning *Irish* Lawyer, since knighted by him. *Neagle's* Business at *London* was to be engag'd in their secret Consults ; for he was a Man of great parts, educated among the Jesuits, and consequently very inveterate. Upon their Arrival at *London*, 'twas some time e'er *Neagle* could gain admittance to kiss the King's hand, but was constantly with Father *Petre*, and the rest of that furious Cabal. The Queen was altogether for their Counsels, but the King was not so forwardly inclin'd, being every day set upon by all his Popish Lords, not to proceed too fast in the Revolution of *Ireland*, for that would spoil the general Interest of the Catholics : and upon the Lord *Bellasis*, *Powis*, and some others of that

Faction,

Faction's understanding that *Neagle* was come over, they were so transported with Rage, that they would have him immediately sent out of *London*: But whatever *Mischiefs* he effected in private, his publick Transactions were of no great prejudice to the Protestants. However to compleat in Retirement, what he durst not attempt at Court, and upon the publick Stage, 'twas agreed in Council, that he should set forth by way of a Letter to a Friend, the great Oppression and Injustice of the Act of Settlement, which he did under the pretence of a two hours waking in a Night at *Coventry*, but was indeed two Weeks labour in *London*. In this Letter he ran so high in his Invectives against King *Charles* the Second, which nothing but a mere Tyger, or Savage as himself would have done, that he durst not own it to be his, but in *Ireland* gave out, that he would arrest any Man in an Action of Ten Thousand Pound, who should father it upon him. But now a Consult was held, (the Design of *Tyrconnel's* coming over) and the Debate variously canvass'd as to a fit Person to send over for *Ireland*, in quality of Lord Lieutenant. *Tyrconnel* was mention'd with some tenderness, as being a Person very obnoxious to the *English*, and therefore 'twas not thought seasonable (till matters were come to a greater Maturity) to bring him upon the Stage. The Lord *Bellasis* was propos'd, but that was too barefac'd; besides, he was infirm, at least to carry on their Design with Success: and not altogether to disgust the *English*, 'twas resolv'd that *Tyrconnel* should return Lieutenant General of the Army, and the Earl of *Clarendon* Lord Lieutenant. In the mean time the *Irish* Papists, in all parts of the Kingdom, proceeded in their former Stratagems of impeaching the Protestants for Plots, &c. but these were generally so ridiculously contriv'd, and made up of such palpable Contradictions and Incongruities, that they serv'd only to demonstrate the Protestants Innocency, and the horrid Perjuries and implacable Inveteracy of the Informers. But seeing that these Impeachments were so unskilfully manag'd (which yet were repeated upon every pretended occasion of Disgust they had to an *Englishman*) as to miss of their wicked and diabolical Intent; then they apply'd themselves to other Courses: many went out Tories, and rob'd upon the Highway, broke up Houses, stole Cattel, kill'd them in the Field, and cut out the Tongues of Sheep alive, with other innumerable Barbarities, all acted upon the *English*, who were so frighten'd and discourag'd with these Tragedies, that Thousands deserted the Kingdom, and came for *England* under as great Fears and Jealousies, as if there had been an open Rebellion; and Five Hundred together departed the Kingdom, to transport themselves to *Virginia*, *Carolina*, *Pensylvania*, *West-Indies* and *New-England*.

Who is employ'd to set forth the Injustice of the Act of Settlement.

Tyrconnel made Lieut. Gen. of the Army.

English retire from *Ireland*.

This was extreme grateful to the *Irish*, who set all their Engines at work, so to dishearten and discourage the Protestants, as to force them to leave the Kingdom. *Tyrconnel* now drives with greater Fury than before, not only displacing the Officers of the Army, but also turning out the private Soldiers, and to both prefers which of the *Irish* he thought fit: his Will was his Law, and his Actions purely arbitrary, none daring to question him; for he brought over blank Commissions sign'd by the King, for such as he was willing to put in. This Part he acted in a most insulting barbarous manner, causing poor Men that had no Clothes on their Backs, but Red Coats, to be strip'd to their Shirts, and so turn'd off; and of all this he himself was an inhuman Spectator. He seiz'd the Horses of some Officers and Troopers, giving Notes that amounted not to a fourth proportion of their just Values; to others he gave nothing but ill Words and vile Reproaches. In the midst of this Tragical Scene the Earl of *Clarendon* comes upon the Stage in the Capacity of Lord Lieutenant; his Relation to the King added to the violent Proceedings then in *Ireland*, so vigorously drove on by the Popish Party, afforded but little hopes of any Redress of these Evils to the drooping Spirits of the Protestants, who were by this time enter'd into a very desponding and dejected Condition.

Tyrconnel absolute in his displacing the Officers.

E. of *Clarendon* made Lt. Lieutenant.

But these Discouragements of the *English* were alleviated in a very high measure, not chang'd into Extasies and perfect Raptures of Joy, when perceiving the Lord Lieutenant acting as a Person of inviolable Integrity to the Protestants, and the *English* Interest, they look'd upon him as a fit Man to stem the Torrent of the Popish Faction, which had been so violent and impetuous: And indeed his very first Action gave no small proof of it, which was to cherish and revive the broken hearts of the Protestants, with those great Assurances his Master had given him protecting the Protestant Interest and Religion, which he, good Man, could not believe. In pursuance of this, he issu'd out Proclamations for bringing in of Tories, and propos'd Rewards to such as should apprehend them: He rid a Pro-

Assured with Integrity to the Protestants.

The secret Consults and Intrigues

gress round the chiefest parts of the Kingdom, to give Life to the *English*; but at the same time the *Grande'es* of the *Irish* proceeded in their Design, animating their Vassals with hopes that he should soon be remov'd; the *Irish* composing barbarous Songs in praise of *Tyrconnel*, and that his Heroick Hand should destroy the *English* Church; with bloody and inhuman Expressions, very ungrateful to a Christian Ear.

Made uneasy by the Papists.

These restless Endeavours of the Papists made the Earl of *Clarendon* and things very uneasy, whereunto one remarkable Passage not a little contributed, which was reported to be thus: That upon a Sunday Morning going to Church, he perceiv'd an *Irish* Officer he never saw before, commanding his Guard of Battel Axes that attended his Person, which exceedingly surpriz'd him; whereupon he made a stop, demanding who he was, and who put him there? The *Irishman* (for they are naturally pusillanimous and fearful) was as much frightened, as the Lord Lieutenant was disturb'd; but with some Difficulty, and in broken Expressions, occasion'd by fear, told his Excellency, he was a Captain put in by the Lord *Tyrconnel*. His Excellency demanded of him when? He reply'd, That Morning. His Excellency bid them call the former Captain, and dismiss this of *Tyrconnel's*. The next day the Lord Lieutenant sent for *Tyrconnel*, and question'd him for this Action, who reply'd, *He did nothing but by the King's Orders*. To which the Lord Lieutenant return'd answer, *That whilst his Majesty intrusted him with the Government, he would not be dispos'd by his Lieutenant General*. Complaints on both hands were made to the King, and so ended.

Tyrconnel returns to England.

Tyrconnel having compleated his Design in modelling the Army, goes for England, and there consults with his Party to obtain the Government of Ireland. The King, Queen, and Father *Petres* were for him; but the whole Council of Papists oppos'd it, still urging how unacceptable he was to the *English*; others therefore were nam'd in private by that Popish Party. But all the while the Protestant side were wholly ignorant of any design to remove the Earl of *Clarendon*, not questioning but that he stood upon a firm Foundation, namely, the King's late assurance to the Earl of *Rocheester*, Lord Treasurer, who was seemingly Prime Minister of State, but not thought fit to be confided in, as to those dark Secrets of the Catholick Designs.

A general Meeting of the Catholicks in England at the Savoy.

About this time there was a general Meeting at the *Savoy* before Father *Petres*, of the chief Roman Catholicks of England, in order to consult what Methods were fittest to be pursu'd for the promotion of the Catholick Cause. The Papists were universally afraid of the King's Incapacity, or else Unwillingness of exposing himself to the hazard of securing it in his Reign. They were sensible that he advanc'd considerably in Age; besides, they were not ignorant of what almost insuperable Difficulties they had to contend with, before they could bring it to any ripeness: Wherefore upon these Considerations, carefully weighing and ballancing every Circumstance, some were for moving the King to procure an Act of Parliament for the Security of their Estates, and only liberty for Priests in their own private Houses, and to be exempted from all Employments. This Father *Petres* anathematiz'd as Terrestrial, and founded upon too anxious a Solitude for the preservation of their Secular Interests; but if they would pursue his Measures, he doubted not to see the Holy Church triumphant in England. And indeed his Politics have taken, but in a quite different manner than he expected; for (God be prais'd) a Church triumphs in England, as much superior to his in Holiness, as the means of its Preservation have been in Justice to his, which were intended for its Destruction. Others of the Papists were for addressing the King to have liberty (now that they might do it) to sell their Estates, and that his Majesty would interceed with the *French* King to provide for them in his Dominions. After several Debates, it was at last agreed upon to lay both Proposals before the King, and some of the number to attend his Majesty with them, which was accordingly done. To which the King's Return was, *That he had, before their Desires came to him, often thought of them, and had (as he believ'd) provided a sure Sanctuary and Retreat for them in Ireland, if all those Endeavours should be blasted in England, which he had made for their Security, and of whose Success he had not yet reason to despair*. This encouragement to the Papists in England, was attended with the most zealous Expressions and Catholick Assurances of his ardent Love to the Holy Church, which he said he had been a Martyr for. Thus we see how the Bigotry of this unhappy Prince transported him beyond all bounds, and carry'd him to such Extravagances in Government, as the moderate of the *English* Papists themselves thought to be

be extreme hazardous and insecure; and would all of them have been content with a private Exercise of their Religion, as thinking it abundantly more safe, rather than endanger the losing their Estates and Fortunes (which they almost look'd upon as inevitable) if such violent extreme Courses were follow'd.

But alas, these self-preserving and furious Principles of the Jesuits had no Congruity; and the King was too much a Creature of the last, to attend to any but their Counsels. He said he was resolv'd to die a Martyr, rather than not advance the Catholick Cause. He had enter'd himself into the Order of the Jesuits, and was become a Lay-Brother of that Society; and so in consequence to his Profession, must needs look upon it as meritorious to extirpate and destroy Heresy. He was told that this would be a most glorious Action; and doubtless he would be canoniz'd for it. To reduce three Kingdoms to an entire Obedience to the Holy See, which had apostatiz'd so long, and been the Nursery of so many damn'd Hereticks, who by their Heterodox Doctrines had created so much Disturbance to the Peace of the most Holy Catholick Church, was doubtless the greatest Action on this side Heaven, and deserv'd no less than that for its Reward. No Time nor Story could parallel this Heroical Atchievement, which would be commemorated to eternal Ages. This would be a Work of Supererogation indeed, which would not only convey him to Heaven without touching at Purgatory; but also lay up such an infinite over-plus of Merits, as being deposited in the hands of the Church, and frugally apply'd, would not only preserve thousands of others from these Flames, but waft them immediately into *Abraham's Bosom*. These or the like we may suppose to have been the constant Suggestions of the Jesuits, which as they endeavour'd to instil into the King's Mind with Tongues as smooth as Oil, and with the most prevailing Flatteries, and artificial Insinuations; so on the other hand, did he as greedily imbibe those poisonous Doctrines, as they could infuse them, and eagerly swallow'd the Bait, when all the while the Hook lay conceal'd, and he so far intangl'd, till 'twas too late to discover it. And now how can we suppose that a Prince thus wholly at the Devotion of the Jesuits, sway'd altogether by their Counsels, and upon every occasion consulting them as so many Oracles, should resist the voice of these Charmers, who charm'd so wisely in his bias'd Opinion? These *Sirens* kept a very harmonious Consort, which they exactly tun'd to the Key and Accent of this Votary's fanciful Genius: every stroke sounded so melodious in his Ear, as made him not consider that this pleasant Musick presag'd a dangerous Shipwrack to himself and his Party, as we find it afterwards prov'd.

K. J. devoted to the Councils of the Jesuits.

But to go on in my former Discourse: After the aforesaid Encouragements given by the King to the *English* Papists, to allay their Fears, fresh Consults were set on foot, relating to the Government of *Ireland*. This by accident the Lord Treasurer receiv'd some account of, which he immediately acquainted the King with, who absolutely denies that there was any intention of changing the Chief Governor; but on the contrary assur'd him of his great Satisfaction with the Lord Lieutenant there. Within a few days the Lord Treasurer receiv'd from his Brother the Lord Lieutenant of *Ireland*, the same Intimations, which he had inform'd the King of, and upon which he again accosts his Majesty, who as positively disowns the whole matter as he had done before; and to remove the Jealousies of the Lord Lieutenant, writes (for his greater Satisfaction) a Letter to him, as was said, with his own hand, assuring him there were yet no Thoughts, and he believ'd never would be in him (whilst both liv'd) to remove him from the Government of *Ireland*: notwithstanding which the Papists in *Ireland* confidently affirm'd, that the day before the King writ the Letter, he had given Assurance to Father *Peters*, that *Tyrconnel* should be Lord Lieutenant; but 'tis certain that no other Creature but the Queen was privy to this, no not *Tyrconnel* himself, for he could not keep a Secret.

Designs to remove the E. of Clarendon deny'd by the King.

'Twas at the same time also resolv'd to put the Lord Treasurer, and *Sunderland* Principal Secretary, to the Test, as to what they would do in compliance to the Catholick Cause; it not being at all advisable to cherish Serpents in their Bosoms at night disembody their Venom upon every inviting Revolution. The King undertook the Management of this Affair, and made his first Onset on *Sunderland*, who he was observ'd to be most docible, as appear'd already by his submissive bowing and cringing to the Altar. What the Tenor of that Discourse was which the King had with him, is not yet known; but however *Sunderland's* Obedience was extremely magnify'd and approv'd in the Conclave: and Father *Peters* at a meeting

The L. Treasurer and Sunderland examined as to their Compliance with the Catholics.

ing with the Jesuits, gave a good account of this Negotiation with *Sunderland*; adding that 'twas necessary for him as yet to appear a Protestant for important Reasons of State.

The King's attempt upon the Lord Treasurer. Upon meeting with this Success, the King descends to an attempt upon the Treasurer, whom he endeavours to manage with good Words and gentle Arts of Persuasion. For he was haughty, as knowing that his signal Services might reasonably entitle him to considerable Favours from the King; and therefore upon this account must be amicably dealt with, and gently strok'd into humour: Which the King strove to perform with all those specious Arts and Policies dictated to him by his holy Council. And the more to prevail upon him, he urg'd to him, that *Sunderland*, a wife and religious Man, tho he was knowing in his Religion, yet refused not to admit of a Conference with those that were learned, and desired him to do the same. The effect of this Negotiation became so publick, that 'twill be unnecessary to mention it here: but *Sunderland*, like an easy and tractable Child, tho fed at first with Milk, came at last to digest strong Meat, by arriving every day more and more to Maturity in the Faith; and tho still a Protestant, yet went every day with the King to Mass, publickly kneeling before the Altar, and praying with *Naaman*, That God would forgive his Servant in that thing.

But he is inflexible. But to come to the Lord Treasurer: No work of Grace would take effect with this obstinate Impugner of the Faith; and which render'd him a greater Infidel, was, that the King could not prevail so much upon him as to obtain his silence, or a desire from him to have time to consider of it, but turns an open Heretick: upon which one of the Fathers said, *He must be anathematiz'd, and that the King could never prosper whilst such an Heretick was near him.*

1686. Before it was publick in *London*, the Priests of *Ireland* gave out that the white Staff was broke, and at that time by way of Prediction told all that soon after came to pass.

Tyrconnel propos'd in Council to be L. Lieutenant. It was now become the publick discourse, That the two Brothers must down, and then the King in Council pretended (tho he had before resolv'd) to ask their Advice, who was fit to be plac'd in the Government of *Ireland*. Several Persons were propos'd, but none approv'd of. After that the Inclination of the Council had been sufficiently sifted, by offering of divers, the King again brings on *Tyrconnel*; which was withstood by all but S——, and in opposition to which the *Papish* Party contended vigorously.

But oppos'd. P—— (notwithstanding that they knew him to be both a C—— and a F——, as the King in a Passion one day told him he was, yet however) was consider'd as a Person whose moderate Carriage had entitl'd him to a reasonable good Character among the Protestants; and therefore the fittest to be plac'd in this Station, the better to amuse them. This was chiefly insisted upon by them, and he was strongly argu'd for upon this account. *Powis* was naturally covetous, and the Government of *Ireland* a Post of great profit: wherefore his Friends advis'd him to agree with *Sunderland*, and do as the L. B—— did with the Dutchess of *Cleveland*, become Tenant for it. In order whereunto *Powis* comes to terms, and agrees for Four Thousand Pounds per annum; but whatever the bottom of the Design was, *Sunderland* never forsook *Tyrconnel* at the Council-Board. Some conjectur'd, that he acquainted the King of his Bargain with *Powis*; and that the King made *Tyrconnel* agree to the same. For it is certain *Tyrconnel* (who was of no great Conduct) would swear he got not so much by the Government, as served to maintain him, notwithstanding that it was worth to him Eighteen Thousand Pounds per Annum.

Sunderland was become so intimate a Favourite, that nothing could be got at Court but by his Interest; and when the King was told he got all the Money of the Court, he reply'd he deserv'd it. Nay, his Interest was at last become so remarkable, that the King himself would ask when any Grant was given, if they had spoke with *Sunderland*.

1686. *At length he carry'd it.* The *Irish* were still marvelously impatient for their *Dagon*; and at last *Tyrconnel* obtains the Government, notwithstanding all opposition. The Confirmation of this dismal News reaching the Ears of the Protestants in *Ireland*, struck like a Thunderbolt: Perhaps no Age or Story can parallel so dreadful a Catastrophe among all Ages and Sexes, as if the day of Doom was come; every one lamenting the Dreadfulness of their horrible condition, and almost all that could (by any means) deserted the Kingdom; if they had but Money to discharge their Passage. A Demonstration of this were those infinite numbers of Families, which flock'd

over from *Dublin* to the *Isle of Man*, and other places. Indeed I cannot recal to mind the great Consternation, the dismal Apprehensions, and panick Fears, which possessed the Hearts of all Protestants at this juncture, without reviving (like *Aeneas* his repetition of the *Trojan* Miseries to the *Carthaginian* Queen) those deep Impressions of Sorrow, those *Infandos*—*dolores*, under which I was then almost sunk and overwhelmed.

The Protestants in Ireland in great fear thereupon.

Now every thing discover'd a gloomy and melancholy prospect, and seem'd to be attended with so many Discouragements, that many that had Patentee Employments, obtain'd Licence from the Lord Lieutenant under the Broad-Seal, to come away; and all that lay in his Excellency's Power, for the Help and Assistance of the Protestants, he zealously perform'd. It was interpreted by many as a signal Act of Providence propitious to the *English*, that the Winds continu'd for some time contrary, after that this furious Zealot for the Cause (as impatient as a Wild Bull in a Net) was come to the Sea-side: which Disappointment did not a little discompose him, whose Prejudice and Ambition equally inspir'd him with Eagerness to supplant his Predecessor, whom he had look'd upon as his Corrival in the Government. This favourable Delay was religiously respected by many as a certain Warning or Admonition from God to his People to fly from those heavy Judgments, which had been long imminent, but now in an actual readiness to descend upon that poor distressed Kingdom.

But he whose Arrival was dreaded every moment, as the most fatal Misery that could fall upon the Nation, at last (after being thus retarded) to the unspeakable terror of the Protestants, landed at *Dublin*: And the Lord *Clarendon* (who had a particular favour confer'd upon him to continue for one Week in the Government after *Tyrconnel's* Landing) at his Grace the Lord Archbishop of *Dublin's* Palace, resign'd the Sword to *Tyrconnel* with an admirable Speech to him, setting forth his exact Observance of the Commands of the King his Master, and faithful discharging of that great Trust which had been committed to him; and concluding with his impartial Administration of Justice to all Parties, in these or the like Words addressed to *Tyrconnel*: That as he had kept an equal band of Justice to the *Roman Catholics*, so he hop'd his Lordship would to the Protestants. Never was a Sword wash'd with so many Tears as this, a most doleful Presage of its being so in Blood: It would surpass the Art of Rhetorick to set forth the dreadful Reflections which the poor afflicted Protestants made upon this ominous Revolution. No Orator could find Words to express the fatal Calamities which were now derived from the Consequence of this Change; it presag'd the worst of Evils, and seem'd to carry in all its parts the most dismal Characters of an irreverfible Expiration of the Protestant Interest and Religion. Most of the *English* were possessed with the daily Fears of a general Massacre to be suddenly put in execution, and that in a most inhuman manner; and this produc'd the strangest Convulsions in the Minds of Men, that a most exquisite Grief could be capable of. Others were more temperate in their Sorrows, and were of Opinion, that notwithstanding Popery was the Scene which must be acted, yet they were in hopes by some more plausible way than that of downright murdering. They consider'd that the last Rebellion had heap'd so much Infamy upon the *Irish*, and had justly render'd them such barbarous and inhuman Savages to the whole Christian World, that to obliterate that deserved reproach, they would now take some milder course; which tho it might have something more of Humanity in it, would yet be as effectual to the Design, the utter Subversion of the Protestant Interest and Religion. In fine, *Quot homines, tot sententiae*; their Sentiments were as various as their Fears. But however all concur'd in this, That Popery was the Game, that must not only be play'd, but win too, whatever Arts were us'd to obtain the up-
not.

The Earl of Clarendon's Speech to Tyrconnel on his delivering him the Sword.

The Lord *Clarendon*, before he surrender'd the Government, was very curious to inform himself of the Constitution and Condition of *Ireland*, and at his going over carry'd with him Copies of Records, Surveys, &c. of that Kingdom: and among other things, it is said, that he desir'd the Lord Chief Justice *Keating* (now in Rebellion in *Ireland*) and one of the fatal Instruments for the Ruin of that Kingdom, to give him his Opinion in Writing, both as to the Legality and Justice of the Act of Settlement; as also to answer those Objections which had been made against it by *Neagle*: all which he amply perform'd, and which my Lord *Clarendon* upon his Arrival at Court shew'd to the King, who sent the Copy over to *Tyrconnel*, who spar'd not to reproach *Keating* for this Action, which he at first disown'd; but

L. Clarendon gets the L. Ch. Justice Keating's Opinion of the Act of Settlement.

the matter being too plain to admit of an absolute denial, he at length began to make the best Excuse he could.

The Irish
on his com-
ing arriv-
ed angrily
insulted the
English.

My Lord Clarendon being shipped for *England*, now does the open and full Triumph of the *Irish* ambitiously shew it self in this advantageous Light in all its grandeur and magnificence: The dejected Condition of the *English* made their Victory more glorious. 'Twas now impossible for the Natives to forbear insulting the *English* at an insupportable rate, as if they had been actually their Slaves, bound to the Wheels of their Chariots. That sober Thought of *Sesostris*, when he had his Coach drawn by Four Kings, was not a Reflection to be entertain'd by them at this juncture. The Day was now their own; and *Post mortem nulla voluptas*, they failed not to use it as extravagantly whilst they enjoy'd it. What Affronts and Indignities were now cast upon the *English*; how barbarously hector'd and insulted by these huffing Rhodomontadoes; how injur'd and oppress'd by publick Acts of notorious Injustice; how abus'd as to their good Names, revil'd as to their Religion, and reproach'd as *Englishmen* and Protestants; call'd *Fanatick Dogs*, and *Damn'd Hereticks*, is so publickly known, as requires not much pains to describe. Those of the Protestants who had been the most obliging to the *Irish*, were sure to meet with the most ungrateful Returns; and if they had been so charitable as to relieve them in their Necessities, as the *English* (a merciful and too easy-natur'd People) had frequently done, they would now in requital seize upon what they had by open force, or else set others of their own Creatures to do it. If any of the *English* had lent Money to them, or bargain'd for Goods and Commodities of the Country, whereby the *Irish* were become their Debtors; their usual payment (especially if they were in necessity, and afraid that Executions would be obtain'd against their Persons or Substance) was repairing to the next *Irish* Justice of the Peace, and swearing of High-Treason against their Creditors, tho often-times (in kindness to them) they had been forborn with a Year or two from discharging the Debt.

Tyrcon-
nell's first
Steps of
his Govern-
ment, viz.
the turning
out the
Judges.

But I pass from speaking any more of these Infamous Wretches (whose Mercies are Cruelty) to Tyrconnell's first Steps in the Government as Lord Deputy. In relation to which, I shall now usher in at once, the removing of the Judges, tho some of them were turn'd out before Tyrconnell came to the Sword: As Sir Standish Harston Baronet, one of the Barons of the Exchequer; Sir Richard Reynolds Baronet, one of the Judges of the King's Bench; and Johnson, one of the Judges of the Common-Pleas.

Ld Chan-
cellor Por-
ter of Ire-
land re-
mov'd from
his Place.

A Consult was in London, before Tyrconnell came to the Government, whether the Judges should be turn'd out before the Earl of Clarendon was remov'd, to represent him odious to the People if he comply'd, or disobedient to the King if he seem'd unwilling in the matter, as they believ'd he would. For they observ'd that he and the Lord Chancellor Porter began to startle at the Commands from *England*, before they receiv'd any Account of their Removal; and Porter publickly declar'd, That he came not over to serve a Turn, nor would act any thing against his Conscience: And as a Testimony of this, he found at his return to London, that he could not without some difficulty obtain the Favour of kissing the King's Hand; but at length gaining admittance, he humbly ask'd the King what he had done that he was so us'd? for it had been a considerable Expence to him to remove his Family. To which the King reply'd, That 'twas his own Fault; which was an Expression not very unintelligible. Porter went several times after to Court, and stood in the King's Eye; but he never vouchsafed to speak to him, or to take the least notice of him.

But to come to the Judges, it was not thought safe to turn them all out, nor any more of them, till the Government was in a Hand that was Catholick: For some of the Council, I mean the Cabal, were afraid of proceeding in their design too fast; especially *Powis*, who urg'd a slow Progress, as accounting it most safe: and this made him not to be confided in as to their secret and blacker Designs, tho in his Lady they repos'd an intire Confidence, as being thought the greatest Politician among them; and were not a little ambitious, that the Earl of *Shaftsbury* in the Popish Plot, had given her that Character.

This Debate concerning the Judges was long and often; some were for making a clear Riddance, and to have the Reformation begin in the Courts of Judicature. They having already the Military part of the Government in their hands, might with greater Facility secure the Civil. But the moderate Party prevail'd, and one in a Court (to colour the Actions of the rest) must be left. But that which

stuck

Back with them was, that Sir William Davis, Lord Chief Justice of the King's Bench; must not be mov'd for two Reasons.

The first was, That he had been of the Duke's Party in the time of the Popish Plot, behaving himself so loyal, that he had been sent over, if dissolving the Parliament had not preserv'd him: But this was the least part of his Strength.

Why Sir W. Davis was not remov'd from being Lord Chief Justice.

The Second therefore, and most prevalent Inducement, was his Marriage with the Countess of Clancarty, whose Son had marry'd the Earl of Sunderland's Daughter, and Sunderland was to be deny'd nothing: Besides, Sir William Davis was a diseas'd infirm Man, given over for some Years; and to expedite his Journey for another World (for he was a thoughtful Man) his Brother Judge Nugent (the first Popish Judge that was put in) pass'd Patent for Sir William Davis's Place of Lord Chief Justice in Reversion: a sad Prefage in those Times, where Men must die when and how their Adversaries pleas'd. This being resolv'd, the Choice was soon made. Lord Chief Baron Hen makes way also for Rice, and in Rice's room Sir ——— Linch succeeds in the Common-Pleas.

In the High Court of Chancery was plac'd Sir Alexander Fitton, a Man notorious on Record, so exempt me from the pains of giving the Reader a Character of him in this place: but little regard was to be had to the Man, so long as he was fitted to that Interest which was then promoting; it being very remarkable, That of what Persuasion soever they were, which they employ'd at this time, they chose Men of the most branded Reputations, and whose Principles were such as could brave Conscience.

Sir Alex. Fitton plac'd in the Chancery.

The three Protestant Judges had their several Capacities and Inclinations for their Service; the Lord Chief Justice Davis I speak not of, for he was decreed to die, and did soon after: but the three Standards for the Cause, were the Lord Chief Justice Keating for the Common-Pleas, Lyndon for the King's-Bench, and Baron Worth for the Exchequer. The Lord Chief Justice Keating had always been a Servant of the Duke of York's, was a Native of the Place, as the Irish call them, his Family for many Ages there, and naturaliz'd into Irish; he was somewhat accounted to be popishly inclin'd, and therefore that Party thought themselves sure of him; but he was a Person of more Sense than to pursue the Chase with greater Expedition than Safety: He was rich and single, and small hopes would not spur him on to an indiscreet forwardness; however, as to the main, they question'd not his Affection to the Cause.

Protestant Judges of Ireland characterized.

Lyndon, tho in his Affection no Friend to the Irish Government, yet lay under the powerful Temptation of a numerous Family: and his not abounding in Riches made him the more passive, tho he behav'd himself the best of the three; and when it laid in his Power, shew'd himself an Englishman.

Baron W ——— was the Man they most depended upon, and he was so well known, that 'twas in vain to pretend indifferency; nor did he, but was the first Man in the Exchequer (where there was more Business than in all the Courts besides) that struck the fatal Blow in all Causes where the English were concern'd, as in the Sequel will appear in the Charters, and private Causes of the English that came before him.

The Courts being thus settled, the next thing to be perform'd, was calling in the Charters; and here Tyrconnel endeavour'd to proceed in the same method that the Lords Justices had done before, in persuading the City to deliver up their Charters. But one Art in State-Policy could not easily be impos'd twice in a Year, and the English had a fresh Impression upon their Memories, by what plausible persuasive Rhetorick they had been cajol'd out of their Arms: and now to have a new Delusion pass upon them, in depriving them of their Laws, was a Colour not natural enough to deceive them a second time. However this was the method of proceeding.

1687. Tyrconnel endeavours to get the Charters surrendred.

Tyrconnel during the Lord Clarendon's Government, had procur'd the King's Letter, that all Roman Catholicks should be admitted into the Freedom of all the Corporations of the Kingdom; which Letter was artfully contriv'd with a great deal of sweetness, and inearring Expressions, as that it proceeded from his Majesty's great Care of the general Good of the Kingdom, and was graciously design'd him for the encouragement of Trade, and the uniting of the Affections of his Subjects: And in order to put this in execution, the City of Dublin was to lead the way, and to be the Precedent to the whole Kingdom. And therefore in pursuance to the Tenour of the aforesaid Letter, the Lord Mayor calls a General Assembly,

His Attempt on Dublin to have the Rom. Catholicks admitted to the Freedom thereof.

sembly, wherein the King's Letter was read: upon which the City made their humble Address to the Lord Lieutenant and Council, setting forth, that they found the City by Act of Parliament bound up, and that if they should act according to the Letter, they incur'd a Forfeiture of their Charters; and therefore humbly pray'd the Lord Lieutenant and Council, to lay their Condition at his Majesty's Feet, who (they did humbly conceive) was mis-inform'd in this matter. This retarded the Freedom of the Papists for some time, but another Mayor, one *Castleton* (who is still in *Dublin*) succeeding, he pass'd the *Irish* Freemen; and in consequence to this, the same was done in the whole Kingdom.

But his
Design
therein was
ineffectual:

This was laid with Ingenuity enough for promoting the *Irish* Design; yet receiv'd not its hop'd-for effect, which was by this means to procure Freedom for so many of the *Irish* in every Corporation, as by the Majority of their Suffrages might out-vote the *English* in the Election of Popish Magistrates, which upon *Tyrconnel's* Accession to the Government, might facilitate the surrendering the Charters, and so render the Kingdom (as they still'd it) entirely Catholic. But this Device, how speciously soever contriv'd, did not reach the End of its Projectors. For notwithstanding the great Endeavours, and active Industry of the *Irish*; yet most of the Corporations out-ballanc'd them in the number of Protestants.

The Speech
to the Lord
Mayor, &c.
of Dublin
about the
Surrender
of their
Charter.

Tyrconnel perceiving himself frustrated of his Expectation, by the numerous Party of the *English*, has an immediate Recourse to the way before-mention'd of the Lords Justices; and to put this in practice, sends for the Lord Mayor and Aldermen, and there acquaints them, that he had in charge from his Master the King, to tell them, as being the chief City of the Kingdom, and unto which, as such, he intended the greatest Marks of his Favour, that it was his Pleasure to call in all the Charters of the Kingdom, not with design to take away any thing from them, but to enlarge their Privileges, by which act of Bounty and Favour he might the more indear them unto him. He farther told them, that his Majesty expected their ready Compliance, so as that their cheerful surrendry of their Charter might become exemplary to the rest of the Kingdom.

Their An-
swer to it.

The Lord Mayor return'd the Answer usual in such Cases; which was, That he would call an Assembly, and move it to them; and the next day he accordingly did so, acquainting them with what the Lord Deputy had given him in charge. The Assembly was not long upon their Resolves, but the manner of delivering them afforded the greatest matter of Debate, the Result whereof was this, That the Lord Mayor, Recorder, and Aldermen, should wait upon his Excellency, and acquaint his Lordship, that as the City had ever been exemplary in their Loyalty and faithful Obedience to the Kings and Queens of *England*, so they should ever continue in the same; and therefore humbly conceiv'd it to be their Duty to lay at his Majesty's Feet the great Services they had done the Crown, under the Grants and Immunities of One hundred and thirty Charters, they had then in their Treasury from his Majesty's Royal Ancestors: and they humbly pray'd his Excellency to favour them in a kind representation of their Condition to his Majesty, which they hop'd would prevail with his Majesty for the continuance of their Antient Government, under so many Gracious Grants and Charters. Upon the making of this Return, there was present the King's Attorney and Solicitor: The first being a most virulent and inveterate Papist, nothing of Friendship was expected from him: but the latter was not doubted, yet contrary to expectation, argued stiffly against the City.

The Depu-
ty's Reply
to their
Answer.

The Lord Deputy (as extravagantly mad to meet with this Return, which so absolutely thwarted his Design) fell into a great fit of violent Passion, and in a raging Tempest told them, That this was the continuance of their former Rebellion, that they had turn'd out all the Loyal Subjects in the last War of *Ireland*, and that they would do so now were it in their Power: And it was, because they so lately disputed the King's Commands for admitting Catholic Freemen, that caus'd his Majesty to call in their Charters; and in the clofe of this furious Speech, advis'd the Lord Mayor to call the Assembly again, and obey the King, or it would be worse for them.

The Lord
Mayor, &c.
desire his
Letter to
the Com-
monalty.

Wherefore the Lord Mayor humbly besought his Excellency to signify his Pleasure to the Assembly by a Letter under his Hand, alledging, that they would not regard a Verbal Repetition of it, which they had been already acquainted with; as also urging, that it had been the constant Practice of the Chief Governour to send their Letter upon occasions of Publick Business to the Lord Mayor, Aldermen,

men, and Commons: And if his Excellency would please to follow this usual method, he would act (as in duty bound) in obedience to it. To which the Solicitor General reply'd, that there was no necessity of any such Formality, but 'twas sufficient if his Excellency signify'd his Commands by word of Mouth, in which they ought to acquiesce.

But denied.

Upon this, the Lord Mayor call'd another Assembly, and great Debates arose, how to demean themselves in this nice Criticism of Affairs: But as to the surrendry of their Charter, 'twas what they unanimously resolv'd against. After some Dispute as to the manner of addressing the Lord Deputy in this case, 'twas at last resolv'd and concluded, That the Lord Mayor, Aldermen, and Commons, should make their Application to his Excellency, with Reasons why they could not surrender their Charter, and to pray his Excellency to allow them time to petition the King, not doubting but his Majesty would be graciously pleas'd to take into his Princely Consideration as well their *Exemplary Loyalty, as Eminent Sufferings for his Royal Father of blessed Memory.* Upon which they produc'd a Letter from K. Charles the First, dated at *Oxford*, which contain'd great Acknowledgments of their great Loyalty and Faithfulness to him, which he gave them high Assurances of being eminently rewarded, if it pleas'd the Divine Providence to restore him to his Crown, and its just Rights and Prerogatives.

The City's 2d Address to him.

The aforesaid Representatives of the City also pray'd *Tyrconnel* to represent their condition favourably to his Majesty: but he answer'd them roughly, and according to his former Austerity told them, That on the contrary he would write against them; and in the interim, according to the Directions he brought over with him from *England*, a *Quo Warranto* issued forth against the City: Who call'd another Common Council, and there agreed upon a Petition to the King, and sent over with it their Recorder, *Sir Richard Rieves*, who behav'd himself briskly, and with good Applause in this matter. For notwithstanding that he was not only frequently sent to, but threaten'd by *Tyrconnel* if he proceeded in it; yet however he goes for *London*, and there solicits the Duke of *Ormond* to introduce him to the King, where on his Knee he delivers the Petition with a submissive tender of all the City Charters at his Majesty's Feet. The King was already so prepossess'd with the partial Account that *Tyrconnel* had given of this Action, with which he was so extremely prejudic'd, that upon the first sight of *Sir Richard Rieves*, he ask'd him if he had the Lord Deputy's leave to come with this Petition? and that he had those in Ireland that understood the Law better than himself, and so turn'd from him.

Send Sir R. Rieves to the King with their Petition. 1687.

Sir Richard Rieves advis'd with the Duke of *Ormond*, who told him, That there was no hope of succeeding in the Enterprize; so he was forc'd to go back for *Dublin* with a short but unpleasant return of the Ineffectualness of this Negotiation. But however the City was resolv'd to stand the brunt, and to stop the violent Tide if possible, which now ran with so rapid a Current; and in order thereunto they fee'd four Counsel. Their first Evasion whereby to procrastinate matters, was by urging, that the Sheriffs were interested as Parties in the Writ, the Charters being granted to Mayor, Sheriffs, and Commons; and so could not properly make Returns to that Writ that came against themselves. This was deem'd to be Law, but nothing was to be accounted as such by Judges that broke thro all Inclosures, and stuck not to trample upon the known Laws and Constitutions of the Kingdom, if opposite to their Popish and Arbitrary Designs. So this Return of the Sheriffs was over-ruled, and a Fine impos'd upon them, if in four days they did not amend their Return, which some thought they would not have agreed to: but 'twas among themselves thought fit to do it, and accordingly the Attorney General proceeded against them; and took some Advantage of their Pleadings, which the Court gave Judgment upon. This afforded matter of Triumph, and an universal excessive Joy to the *Irish*, which dispers'd it self with a marvelous Celebrity throughout the whole Kingdom; but became on the contrary hand as much a subject of Lamentation to the *English* Citizens, who call'd themselves the *Virgin City*, as having never been tainted with any Action of Disloyalty or Rebellion in all the several Revolutions and Vicissitudes of that unfortunate Kingdom, which, though ever since it was in the Possession of the Kings of *England*, continu'd forty years uninterruptedly without an Insurrection of the Natives; yet was this City remarkably Loyal in all Changes, and perform'd many signal Acts of Bravery and courage, as their Records do amply testify, and of which (not to name many others) I cannot omit one very remarkable Instance; which was, That when the Duke of *Ormond* receiv'd Orders by that Royal Martyr King *Charles* the First, of

Endeavor by delays to stop Proceedings against their Charters.

Dublin was never tainted by any Rebellion, &c.

ever Blessed and Immortal Memory, to give up the Sword and Government to the Parliament (they being at that time best able to suppress the *Irish* Rebels), the Lord of *Ormond*, in pursuance to this Instruction, deliver'd up the Sword, and sent to the Mayor, one *William Smith*, ordering him to do the like; but he to shew his Loyalty went to the Lord of *Ormond*, accompany'd with his Brethren the Aldermen, and told his Lordship, that he kept that Sword for the King, that the City was the King's Chamber, and he would deliver neither, but into the Hands of the King's Servants. Upon which the Lord of *Ormond* took occasion to commend his Loyalty, and told him, He had the King's Commands to do it; and for the Mayor's greater Satisfaction, shew'd him the King's Letter, which when the Mayor read, he observ'd there was order for the Lord of *Ormond* to give up the Government to the Parliament's Commissioners; but not a word that the Mayor should do it; which the Mayor taking notice of to the Lord of *Ormond*, told him, he would leave the Sword and Keys of the City with his Lordship, to use as he pleased, he being the King's Lieutenant; and so he did, and after took his leave. This the City justly boasts of, as never being engag'd in any Rebellion, nor ever actually under the Usurper's Government in any other manner than by the King's Appointment and Command.

The other Charters, upon that of Dublin's being lost, are surrendered.

But to return to the Charters, consonant to the Sentence against *Dublin*, was Judgment given against all the Charters of the Kingdom, except against such as quietly surrender'd, as most did; it being to no purpose to contend in the lesser and inferiour parts of the Kingdom, after their *Goliath* of *Dublin* was slain.

I shall not impose upon the Reader's Patience with giving him an account of what subtle Arts of Address, and obsequious Contrivances, were made use of to distinct Corporations, to prevail with them to surrender. This he will suppose, that they were not remiss or unactive in, if he considers that they dreaded nothing so much, as that the Clamours and Outcries of so many Bodies of People which were to be sued and disoblig'd, should reach the Ears of the Court, and be made use of by the adverse Party to their Disadvantage; and therefore we may be sure that they endeavour'd to silence them as much as they could. For both *Tyrconnel*, and his Voucher *Neagle*, had assur'd their Party that most of the Charters would quietly be surrender'd by the People, and that there was but one Corporation in the North of *Ireland*, which they were afraid of; this is *Carrickfergus*, which they manag'd with a great deal of Policy in the following manner.

How they got the Charters of Carrickfergus, &c. surrendered.

Ellis Secretary to *Tyrconnel*, writes a wheedling Letter to the Mayor of that City, insinuating how great an Opinion the Lord Deputy had of his Loyalty, with abundance of such impertinent stuff, and that his Excellency would enlarge their Privileges: They were foolishly taken with this gilded Bait, and so surrender'd their Charter. Upon this success, *Ellis* was applauded as an excellent Instrument to delude the Protestants, and so he was; which he improv'd, by the frequent Opportunities which were offer'd to him of drawing in honest Men, he having been many years in the Secretaries Office, and a pretended Protestant, tho his Brother was a noted Champion for *Rome*. But that was one of the Machinations of the Romish Conclave (mightily practis'd in *Ireland*) to disguise one part of their Family under the Protestant Education, tho they were as much Papists as the other that appear'd to be openly such by a publick Profession: A Practice which the old *English* Families are rarely free from in that Kingdom.

But to come again to *Ellis*, his Letters and Messages flew round the Kingdom, and prevail'd in many places, but more out of a Sentiment that 'twas to no purpose to contend, than any Belief or Opinion they had either of his, or his Master's Assurances. But however that was, 'tis certain that *Ellis* acquir'd a fair Reputation among the Popish Party for his Success in these Arts of Delusion and Treachery; and they in their secret Cabals, did not a little magnify and applaud their Politicks, which they thought they so amus'd the *English* with, laughing at the Credulity of the *Heretick Dogs*, for so their Grandees in their private Meetings would frequently call them.

The Council of Ireland consult about modelling Men for the Corporations.

Having thus obtain'd their wish as to the surrendry of the Charters, the next Work was to agree upon a Model for the Men. This Debate was strongly canvass'd several ways, and that which chiefly puzzl'd them, and even put them almost to a Non-plus, was, that the King would have nothing of this transacted at Court, for fear of meeting with opposition there.

This Exigency, of not being suffer'd to receive advice from *England*, expos'd them to great Difficulties; for they were utter Strangers to the Laws and Government of Corporations, as indeed they were to all Matters of Government, having been conversant in nothing but secret Plots, and private Contrivances; how to unhinge and discompos'd all Governements: and as an Aggravation of their Misfortune, except *Rice*, *Daly*, and *Neagle*, there was not a Man of them in the Privy Council that had common Sense, if you will believe themselves: for *Rice* and *Daly* would often complain that nothing could pass at the Council-Board, that concern'd the Publick; but their Countrymen must first ask *Tague*, if that would not spoil his Potatoe-Garden.

Necessity at last supply'd the place of Invention; and a method was agreed upon which reduc'd Corporations to perfect Slavery; and this in all the Circumstances of that Affair was their prime and ultimate aim. For as to matter of Trade, or improving of the Nation, these were Speculations of too metaphysical a nature for Men of their Size, and former way of Education, as was demonstrated in the first Proclamation issu'd forth by *Tyrconnel* and his Council to break an Act of Parliament in taking off the Duty of Iron, and admitting it so into the Kingdom, whereby they might encourage Merchants to bring in Pieces of Eight from *Spain*. And so hasty they were to have the Honour of this admirable Contrivance, that without asking the King's leave (which is always done before any Proclamation relating to the Revenue pass) they put it in Execution; but as soon as 'twas heard of in *England*, a Proclamation came from the King, forbidding this wise Act made by these great Statesmen: And so ill this presumptuous Folly of theirs was interpreted, that the Lord *Bellasis* swore in Council, that *That Fellow in Ireland was Fool and Mad-man enough to ruin ten Kingdoms*.

Tyrconnel's first Proclamation about bringing in of Iron.

Which was rejected in England.
1687.

Father *Petres* corrected him severely for this foul Miscarriage; and writ to him, That if he acted not with greater Caution, the King could not possibly preserve him in that Government. These Documents, and severe Reprimands of the Ghostly Father, were so religiously observ'd by him, that for the future he would proceed in nothing, but bawl out at the Council-Board, and call them Fools and Blockheads, if they spake any thing that was contradicted by the *English* Privy-Council: Their great Confident was the Lord Chief Justice *Keating*, who knowing that he had an Ascendant over them as to Parts, was so imperious and insulting, that sometimes he was taken to task; but had Wit enough to submit, yet often was very uneasy to them. But however, he in publick, and *W.* in private (for he was not of the Privy Council) directed them in the Management of the Affair of the Charters: And when they had got the shape and model of them presented by these Temporizing Painters, who drew to the Life according to the Popish Fancy, then they proceeded to an Election of the Men to name in their Charters; and here they beg'd pardon of their Advisers, and would be their own Directors.

'Twas their Rule to have in the great Cities (who were most *English*) one third Protestants, and two thirds Papists; but then these that they call'd Protestants were Quakers, or other Enthusiasts; and two or three in a Charter of such Protestants, as either their considerable Estates, or loose Principles would secure to their Party; by that means leaving not a Man of true Value or Courage in any Corporation in the Kingdom. And altho they took in Lords and Gentlemen out of the Country into all their Corporations; yet could not they compleat them without additional numbers of scandalous and contemptible Men: In one Corporation in the North, the first Magistrate of the Town was a Man that had been burnt in the hand.

The Method of their naming Men in their new Charters.

Here you see by what impious Arts, and fraudulent Machinations, the several Corporations were cheated and trapan'd out of their Charters, most of them wheedled, and grossly impos'd upon by a Wolf in Sheeps Clothing, Secretary *Ellis*, who stuck not to make great Promises of enlarging their Privileges, and he like, tho he knew nothing to be more destructive of the Protestant Interest and Religion, of which he own'd himself a Professor. And as his wearing of a protestant Mask contributed very much to the Success of this Intrigue, so did the same Vizard, put on by *Keating* and *W.* not a little facilitate the Model of the new Charters, of which they contriv'd the Platform, and then 'twas easy for the popish Faction to super-struct upon it, the palpableness of whose design was in nothing more fully evident, than in putting in of all manner of Fanatical Enthusiasts into their new Charters, under the notion of Protestants: For 'twas evident that some of these were as irreconcilable Enemies to the Protestant Church, as

Secr. Ellis a Sheep in Wolf's Clothing.

The Quakers Profession deriv'd from the Jesuits.

they were Friends to, and Confederates with the Romish. As for instance, The Quakers, concerning which ridiculous Profession, who is, or can be ignorant that 'twas deriv'd from the Jesuits? Who knows not that these have sharpen'd their Weapons at the Romish Forge, and that their prime Leaders (whatever otherwise they pretend to) do ignorantly own *Ignatius Loyola* as their Founder? These were therefore too much their own Creatures to be neglected by them, as not only appears by their former Principles (if those monstrous Absurdities they maintain may be reckon'd to be such) but also by their present Practices, as their vindicating the late King's Declaration for *Liberty of Conscience*, tho' it manifestly tended to the introduction of Popery, and their zealous espousing of his Interest at this day, do fully shew. But amidst all the new Arts of modelling the Corporations, neither their Brethren the Quakers, nor other of their Adherents, could give them such effectual Assistance, but that often they were put to their shifts, and necessitated to elect Men of the blackest Characters, and most infamous Reputations, as appears from their chusing a Magistrate that had been burnt in the Hand. Here was admirable Justice indeed to be expected, where he who had not only held up his Hand, but been punish'd in so scandalous a manner at the Bar, was now to sit upon the Bench.

But as the Popish Party were put to these Difficulties of getting any sort of Men (how notoriously infamous soever) to fill up their Charters, so were they as much perplex'd to find out Men that would pay for them: For not ten in the whole Kingdom would or could discharge the Fees for them. Wherefore to encourage them, the Lord Deputy order'd, That the Lord Chancellor, and Attorney General *Neagle* should abate half of their Fees. But all would not do, so that most of the new Charters are yet in the Attorney General's Hands for want of paying the Fees, and the several Corporations act without them.

The infinite numbers of People deserting the Kingdom from all Parts of it upon *Tyrconnel's* coming to the Government, made the Towns and Cities almost waste; discourag'd all manner of Trade, and sunk the Revenue to an incredible Ebb and Deduction from its former Value. These weighty Arguments were strongly prest at Court to *Tyrconnel's* Disadvantage, upon which he obtains leave to meet the King at *Chester*, and carries with him his great Minister and Counsellor *Rice*, who being Chief Baron of the *Exchequer*, was to be believ'd above any; it being King *James's* Maxim, That he would hear no Man in any thing that did not properly lie under his Province. *Rice* was fitly enough qualify'd to sooth up the King with fine Stories, and a specious representation of Affairs, which he could the more easily do, in regard there were none present to contradict him; and so this Cloud blew over, tho many did believe, and were in hopes that it would have broke with that Violence upon *Tyrconnel*, that he would never have return'd again as Lord Deputy.

There as yet remain'd some Protestant Officers in the Army, which upon this Interview were order'd to be disbanded, excepting some few, who 'tis believ'd had made fair Promises, which they had not occasion as yet to put in execution: Nor did King *James* require more than a private Assurance of their Faith and Inclinations to his Interest, it being too early to make a publick Declaration as yet.

The Judges in their Circuits se were upon the Engl. and their Clergy.

The Judges were abroad upon their Circuit whilst *Tyrconnel* was in England, pursuing such Instructions as he had prescrib'd to them before his departure, which were severe and prejudicial enough to the English, and to their Protestant Clergy, notwithstanding his late Proclamation, superadded to others before from the King, that they should enjoy all their Ecclesiastical Rites and Just Dues, as they had formerly done.

Their Proceedings upon Book-Money, the Clergy's Dues.

The Clergy having since the beginning of King *James's* Reign, lain under great Grievances, as to the non-payment of their Dues (especially Surplice-Fees, which in that Kingdom they call *Book-Money*, and is very considerable to them, by reason of the numerousness of Irish Families in most places) took the opportunity at the Assizes in the several Circuits, to represent their Condition to the Judges, as Persons from whom they expected Redress; but on the contrary met with very dissatisfactory and unequal Returns. For tho the Judges could not disown the Legality of those small Dues call'd the *Book-Money*, because founded upon the same Law with the greater Tithes, as the Irish of the Country unanimously did (notwithstanding that they had paid them in the former Reign) yet did they so manifestly discourage the Clergy in their Addresses to them (taking all Advantages against them

them that could be offer'd, and as studiously declining every Argument made in their favour, as they were ready to imbrace, and hearken to what could be objected against them, tho mere Forgeries of the *Irish*) and thereby so animated the Natives against them, that they seemed to do them as much Injustice (tho under specious and fair Pretences) as if they had publickly told the Papists, that they ought not to pay them any thing: Tho at the same time, and with the same Breath that they were guilty of this execrable Partiality, they had the confidence to avow the Justice of their Proceedings towards the Clergy, for whom they would have had them believe that they entertain'd the most equitable and upright Intentions. This would require a large Discourse if accurately handled, but my unskilfulness in a Matter out of my Province, and peculiar to Ecclesiasticks, will (I hope) be excus'd, tho thus slenderly touch'd upon; yet I thought it better to speak something imperfectly of it, than wholly omit an Affair which was so universal in the Reign of the late King *James*, and so publickly transacted in the whole Kingdom.

The Judges found the Goals full stock'd with Tories and *Irish* Robbers; but *Irish* Sheriffs and *Irish* Juries were so gracious as to vouchsafe them so general a Deliv-
The Goals full of Tories, &c. but clear'd by the Judges.
 verance, that not one in Forty was found guilty: And in such Cases where Matter of Fact was notoriously plain, or any of the *Grandeers* were any way interested in belief of the Criminals (as 'twas rare almost to a Miracle if none were) and the Evidence not to be taken off; then 'twas usual for the Prisoner at the Bar to be call'd by wrong Names, and so discharg'd for want of Prosecution. To these Arts of evading condign Punishment for their Execrable Crimes, several Menaces were added to terrify the Plaintiff from prosecuting, as that otherwise their Houses should be burnt, their Cattel stole, their Substance destroy'd, and perhaps their own Throats cut, which as often threaten'd, so not seldom put in execution: a sad Discouragement to the poor *English*, who lay under the daily hazard of being rob'd and pillag'd by the *Irish*; and if they happen'd to seize the Malefactors, must either discontinue any farther prosecution against them, or else be expos'd to greater Mischiefs. For the Proof and Demonstration whereof (not to insist upon too many others) take the following Instance, which for the Eminency of the Person, and Barbarity of the several Facts, may supply the rest, acted by the Earl of C_____.

This Earl's eldest Son (a great Favorite of the Duke of *York's*) was with him at Sea, and there kill'd, and leaving no Heir, his younger Brother was brought out of a Convent in *France*, and instated in the Earldom. The Duke of *Ormond*, who always endeavour'd to naturalize the *Irish* Families into *English*, imbrac'd this Opportunity (there being none living but his Sister and this Earl, who was next to a Natural) to marry him to a Daughter of the Earl of *Kildare's* in *Ireland*, a firm Protestant, and capable of an Intrigue beyond her Sex; by this Lady he had several Children, and one Son, who is now Earl. He was by the Duke of *Ormond* sent to the Archbishop of *Canterbury*, and by him carefully bred up a Protestant, and educated at *Oxford*. His Uncle *Justin MacCarthy* (as it since appears, for the promotion of the Catholick Cause) without the knowledg of his Mother, or the Duke of *Ormond*, marries him, when not sixteen Years of Age, to the Earl of *Underland's* Daughter, and immediately sends him for *Ireland*, where he continued a Protestant until the coming of King *James* to the Crown; and then, like the rest of his Country-men, at that juncture return'd to his old Vomit. He had then a Troop of Horse given him, which he soon made of his own Breed; for before their inlisting, they were the greatest Vagrants of the Country, who with himself now ravag'd in the Country, in an horrible and most inhumane manner, murthering Women, maiming of Men, pulling down of Houses, and all other Extravagances which he and his Hellish Tribe could invent. I already assum'd (before enter'd upon this Man's Character) to give a remarkable Instance of the Violence offer'd to the *English* for their just and legal Prosecution of notorious *Irish* Criminals and Malefactors; which I shall now set before you in two remarkable Passages relating to this Earl, which were publickly transacted at the Bar.

One was of a poor Butcher, at a Town near *Corke*, who refusing *Clancarthy's* to buy a Horse, they violently seiz'd him by force, and would never return him to the Owner; which the Man making Complaint of to the Judges of Assize, in presence of the Earl, the Judges order'd Satisfaction to be made to the Man for his Horse, which the Earl promis'd to see perform'd. But as soon as the Judges were departed the Country, he takes some of his Troopers along with him, and

His barbarous Actions.

goes to the Man's House, and told him that he was come to give him Satisfaction for his Horse: Whereupon he forces him out of his House, and ordering the vile Instruments, his Troopers, to get a Blanket, upon a Pavement before the poor Man's Door, stood as a most barbarous and inhumane Spectator, whilst they tossed him in a Blanket, ever and anon setting him fall upon the Stones, till they broke him, as if upon the Wheel, all to pieces, and so left him dead.

The other Passage relating to this fine Spark, was of a Man that had offended him at a place call'd *Glennell*; him he first had beaten with Sticks, and then hung up by the Hair of the Head: he was taken down alive, but what became of him after was not known. The Accomplices of this Tragedy, his villainous Troopers, were brought to the Bar, and try'd for the Murder, and notwithstanding that this horrid Action was done in the sight of a hundred Men, yet were they quitted, and the Earl never try'd.

He to this day proceeds in these boundless Inhumanities, which perhaps may be an Occasion of great Sorrow and Trouble to his Mother.

The Judges according to their Instructions partial to the English.

But to return to the Judges whom we left upon their Circuits: Little Justice was administer'd by them to the *English*, but in such extraordinary Occurrences where the *Irish* were so notoriously culpable, as would accuse them of most gross Partiality, to have passed Sentence in their Favor. But in all things that had but the least shadow of Justice, or of seeming Equity and Reasonableness in it, they were sure to carry it; and this was acted in pursuance to one of *Tyrconnel's* Instructions from Court, which was, That the Judges should be directed in their Circuits to undermine and enervate the Protestant Interest, which indeed they did so effectually, that no *English-man* could either get in Rents, or be secure of what he had formerly receiv'd. For there is a Statute in *Ireland*, which we have not in our *English* Laws, for Trials by Civil Bills, as they call them, which (in the nature of Chancery) is such an Arbitrary way of proceeding, as gives the Judges of the Kingdom Opportunities, which too many of them (it's said) have made ill use of.

The Proceedings by Civil Bills in Ireland.

By this Arbitrary Method of proceeding, the *Irish* had now hit upon an expeditious way, whereby to ruin the *English*: For 'twas no more but with a Twelve-penny Process flung at any Man's Door, and a false Affidavit made (which the *Irish* can as easily digest as the most common Action they do) and so an Execution was obtain'd, directed to an *Irish* Sheriff for a pretended Debt of Twenty Years standing; it being very common for an *Irish* Tenant to sue and bring a Fellow to swear that in such a Year his Landlord distrain'd Cattel of Twenty or Thirty Pounds value, and had them apprais'd at the half Proportion of what they were worth. This was sufficient to obtain an Execution for the Relief of the poor distressed Catholics, a Practice become as universal against, as destructive to the *English*; inasmuch that in the North of *Ireland* there was not one Man in five of the ordinary *British* that were not ruin'd; and had they continu'd these Courses but few Years longer, together with their exorbitant Proceedings against the *English* in their Mannor, Sheriffs, and the like inferior Courts (where such barbarous Injustices, and publick Oppressions and Violences were acted, as never till then were heard of among Christians) these without other means might have wholly reduc'd the Kingdom into *Irish* hands. For as by their Civil Bills at the Assizes, and by their notorious Perjuries in the inferior Courts, they destroy'd the smaller Men; so by Ejectments in the higher Courts, they took away Mens Estates in Fee: It being observ'd, That never one Cause came before them upon a Trial for Land, but the Judgment was constantly given in favour of the *Irish*.

Complaints were continually made at Court of these irregular Proceedings, and Writs of Error were brought from *England*; but generally the same Judgments were confirm'd in this Kingdom; the Judges here being most of the same Stamp.

1687. Sheridan puts Irish into places at the Custom-house.

Sheridon about this time began to be discover'd by *Tyrconnel* to sell places of all sorts, both Ecclesiastical, Civil, and Military. He was not only Principal Secretary of State, but also one of the Commissioners of the Customs: So that whenever he met with a Conveniency of making an advantageous Bargain for a place in the Custom-House, he would pretend to the Commissioners, That 'twas my Lord Deputy's Request to have such a Person employ'd. This by degrees increas'd so much upon the Commissioners, that *Dickison*, one of the Commissioners, writ over to the Lords of the Treasury, that they were so burden'd and oppressed with *Irish* Officers, recommended by the Lord Deputy, that he was afraid the Revenue would

would be lost by ill Management. Upon this my Lord Deputy was order'd not to recommend a Man, nor any ways to intermeddle in the Revenue. The Commissioners also issu'd forth their Orders, posted up at the Custom-House Door, That all Persons who had petition'd for Employments in the Customs or Revenue, should return to their respective Abodes, for that there would be no Employments disposed of.

This Buffle created various Disputes betwixt Tyrconnel and Sheridan; and from this time forward Sheridan contriv'd to undermine Tyrconnel. His first Stratagem was to prepossess the Romish Clergy against him, which to accomplish, he contracts an intimate Acquaintance with Tyrconnel's Chaplain, that most frequently officiated: This Fellow picks up what he could of Tyrconnel's Contempt of the Mass and Prayers. One particular Charge was, That when the Army was in the Camp at the Curragh of Kildare, Tyrconnel being at play in his Tent, the Priest came to him to know, if his Excellency would go to Mass; who reply'd, No, he would send one (naming somebody by him) to stand in his place, and that would do as well: Of this Sheridan, being a bigotted Zealot, gives an account to Father Petres, whose Niece Sheridan had married, by which means he obtain'd an Interest and Freedom with the Jesuit, and not with him only, but with all the Irish Clergy, especially with the Titular Primate of Armagh, who being an Ulster Man, as Sheridan was, had no kindness for Tyrconnel, who was of the Pale, a sort of Old English degenerated into Irish, but had in no esteem by the Natives of the Province of Ulster. The aforesaid Titular Primate then contracted an intimate Familiarity and Acquaintance with his Cousin Sheridan, as he call'd him, and they (with the before-mention'd Priest) form'd Articles against Tyrconnel; which having compleated, and Sheridan dispos'd of his Affairs, prays leave of the Lord Deputy to go for England, pretending some private business of his own to dispatch there: But Tyrconnel being jealous that he design'd some prejudice to himself, would not give him permission to go; upon which Sheridan writes to a Cousin of his to London to take out a Licence from the King, which Father Petres look'd upon as strange, and sent him word back, That the King would inquire the reason why he had it not from the Lord Deputy. This could not be transacted with that Secrecy at Court, but Tyrconnel had some Intelligence of it; which Exigency drove him to have recourse to his two Grand Counsellors at a dead lift, Rice and Neagle, who advis'd him to take no notice, nor shew any outward Symptoms of discontent against Sheridan, but rather attend some Opportunity whereby to intangle him in a Snare, which soon offer'd, it being facile baculum invenire, &c. no difficult matter to find out Treachery and Perfidiousness enough in an Irish-man whereof to accuse him. They observ'd that the Lord Deputy's Domestick Chaplain was intimately conversant with Sheridan, and another Priest that was, or call'd himself Cousin to him. To countermine these Intrigues the Lord Deputy appoints a third Priest, a Confident of his own, to fall into an intimate Familiarity with his Brethren, who seem'd inclin'd to unite his Endeavours with theirs, if they had any Intentions of impeaching Tyrconnel. The Priest manag'd this Affair with so much Skill and Dexterity (verifying the vulgar Saying of *Setting a Thief to catch a Thief*) that he soon wound himself into a strict League of Amity with them, and so seemingly interested in all their Affairs, that they no longer question'd his espousing their party: and to delude them the more artificially, pretended to find out new matter of Accusation against Tyrconnel, which he did so effectually, that against the next day he brought his Charge against the Lord Deputy in writing under his own hand, which Sheridan in his sight seal'd up, with a great many more in a Packet, and directed it to his Cousin in London. This being done, the Priest takes leave of Sheridan, and gives notice immediately to Rice the Chief Baron, who doubt'd not to trapan him upon this favorable Occasion. Sheridan, as usually, makes up the Lord Deputy's Packets, sending all to the Post, with Instructions for the Packer mediately to go to Sea.

Rice and Neagle remain'd in the Lord Deputy's Closet, and at twelve of the clock at Night a Messenger was sent on board the Packet-Boat to fetch off the Packet; which being open'd, Sheridan's Packet was taken out, directed to his Cousin, which discover'd the whole Intrigue, and among the rest, the Irish Primate's concern in the design. Sheridan's Packet was seal'd up and put into the Mail, except one Letter which was taken out, directed to a certain Person in London, full of vehement Exclamations against the Lord Deputy, and giving an account of many of his Articles which he design'd to impeach him of.

Which occasion'd Disputes between Tyrconnel & him, who endeavours to undermine Tyrconnel.

Complaints of him to Father Petres.

Cannot obtain Licence to come to England.

How Tyrconnel countermines Sheridan.

Tyrcon-
nel's Letter
to the E. of
Sunderland
concerning
Sheridon's
Briberies,
&c.

Rice and Neagle advised the Lord Deputy to write to the Lord Sunderland, which he accordingly did, setting forth *Sheridon's* Briberies and other sinister Practices, not taking any notice of *Sheridon's* Contrivance against himself. All this was done when *Sheridon* was asleep, and not suspicious of any design against him; which the better to disguise, *Tyrconnel* still carry'd himself to him with the same unconcernedness as formerly.

At this time happen'd the Death of the Bishop of *Clogher*, in order to which Commissioners were appointed for setting and disposing of the Revenue of that Bishoprick: 'Twas adjacent to *Sheridon's* Country, who had abundance of Cousins (especially upon such an occasion as this) some of whom he endeavour'd to prefer in that Employment, thereby hoping to have fish'd out something for himself; but the Lord Chief Baron was now (tho he knew it not) become his formidable Opposite; and there was one of the Commissioners of the Customs, *Dickifon* by name, that was a Person as well of great Experience as of Integrity and Honesty, who kept a vigilant eye upon *Sheridon*; for tho he had a great hand over, and much influenc'd the rest of the Commissioners, yet could he never prevail upon *Dickifon*.

Now arrives the return of his Packet to his Cousin in London, but with no good account of his Affairs: The reason of which ill success was *Sunderland's* acquainting Father *Petres* with the Complaints that were made against him by the Lord Deputy, and thereupon shew'd him his Letter from *Tyrconnel*. That Letter which was taken out of the Packet in *Dublin* was not mis'd by *Sheridon's* Cousin in London, who only writ back to him, That he had deliver'd his several Letters as directed, and no more.

Breaks
publickly
with *Sheridon*.

'Twas now time for the Lord Deputy to break publickly with *Sheridon*, and in order to it sends for him into his Closet, there being present with him the Earl of *Lymerick*, the Lord Chief Justice *Nugent*, the Lord Chief Baron *Rice*, Judge *Daly*, and some others. The Lord Deputy demanded of *Sheridon*, Whether or no he had written any thing against him to London? *Sheridon*, who wanted not Confidence, or rather Impudence (with which his Countrymen do universally abound to an immense proportion and degree) answer'd, That he had not, but that he had heard that his Excellency had writ against him: which so inrag'd the Lord Deputy (who is a great *Furioso*, and can prescribe no Limits to his Passion) that he could not contain from calling him Traitor, Cheat, Rogue, &c. and pulling out *Sheridon's* Letter, ask'd him if that was not his hand; which for the present put him into great Disorder and Confusion, but after some Recollection he assum'd to justify himself, and to enter into a Capitulation with the Lord Deputy, at which *Tyrconnel* rose in excess of Fury to kick him; so he was turn'd out. *Tyrconnel* and his Party were in long Consideration how to proceed in this nice Conjunction of Affairs: They dreaded not *Sheridon's* Interest, or Impediments so much, as this Opportunity of awakening his Excellency's Enemies at Court: After various Debates, 'twas at last resolv'd, That *Daly* should take *Sheridon* to task, and so accommodate the matter as to stife any farther noise of it, which *Sheridon* was ready enough to imbrace; but at the same time both the Lord Deputy and he had mutual Jealousies of, and strove who should first intrap one another.

The Lord Deputy (by reason of his Aversion to him for siding with *Sheridon*) does now revive the Quarrel that the *Irish* Clergy had with the Primate, especially the Archbishop of *Cashel*. I call the Titular one so in this Discourse. Upon an Assembly of the Titular Popish Bishops of *Ireland*, a great Debate arose concerning the Priority of their Jurisdictions; in reference to which, the Primate insolently usurp'd over them all, not distinguishing the Archbishop: which he of *Cashel* resenting as a great Indignity and Affront, inflam'd the difference to a great height, and caus'd them to break up abruptly, and in great Discontent with one another.

ABp of Ca-
shel, &c.
endeavour
to have a
Coadjutor
to the Lord
Primate.

Cashel is the more Learned Man, the Primate being universally contemn'd by their own Party, as neither respected by them as a Scholar or a Man of Parts, which general disesteem made most of the Clergy that were considerable (I mean the Dignitaries) bandy against him; and their Prejudice ran so high, that they sent over to Father *Petres* (who promoted their Applications to the King) to have a Co-adjutor impos'd upon him. The King writes about it to the Pope, with aggravating Exclamations of the Primate's Miscarriages and Insufficiency: to which the Pope reply'd, That he was one of his own Election, and so indeed he was, being a Friar in *Spain*; and coming over Chaplain to the *Spanish* Ambassador at the time of the Primate of *Ireland's* being executed, he prevail'd with the Ambassador to present him to the Duke of *York*, who writ to the Pope in his behalf,

upon

upon whose recommendation he got the Mitre. This Quarrel of the *Irish* Clergy had been dormant for some time, but the Deputy to execute his Revenge upon the Primate, thought it now seasonable to awaken and revive it: But this continued not long upon the Stage, for he soon received a severe reprimand from Father *Peters* for this rash Action, who was extremely moved at the Proceeding. This being the most effectual course whereby to render their Party ridiculous and contemptible to the World, that whilst they were so industriously contriving to establish their Religion, they should at once break all their former Measures by endeavouring to supplant and destroy one another: And therefore 'twas immediately hush'd up in a deep silence, and the Primate (at least seemingly, and to outward appearance) reconcil'd to the Lord Deputy.

Sheridon again assumes to petition for leave to go for *England*, assuring his Excellency, That 'twas only in order to pursue some private business of his own: That he had a Law-suit for some Debt due to his Wife, which requir'd his Attendance, &c. But all would not prevail to obtain Permission, wherefore he imploys his Wife's Interest at *London*, and by that way solicites the King with so much Importunity, till at last an Order was got for his going over.

Sheridon obtains leave to come to England.

About the Ninth of *December* in this Year, upon a Sunday Morning there happen'd such an Inundation of Water in the City of *Dublin*, as no Man was ever a Spectator of the like: It carry'd away Stone-Bridges, destroy'd Houses, and without Intermission continued three days over-flowing a great part of the City, to the unspeakable damage of many Thousands; and that which encreas'd the Prodigy, was, That no Rain fell, save a few Showers upon the Saturday Night before. This, besides the considerable Detriment to, or rather apparent Ruin of many *English*, was accounted by many as a miraculous Act of the Divine Providence, and interpreted as an ominous Presage of that Deluge of Troubles which has since so universally fell upon the poor *English* in that distressed Kingdom.

1687.
A great Inundation of Water at *Dublin*.

But to come again to *Sheridon*, who now arrives at *London*, but 'twas near four and twenty hours before he could speak with *Sunderland*, who after his Admittance gave him but a cold Reception: the reason of which (as 'twas conjectur'd) was, that *Sunderland* expected that which *Sheridon* was not yet Master of; for he had but just began his Trade when the Lord Deputy and he fell at variance.

Sheridon comes to London.

This Indifferency, or rather Coldness in *Sunderland*, did not hinder him from applying to the rest of his Friends, but was so unhappy as to find by them, that there was no Expectation of removing *Tyrconnel*; for he was fortify'd with the French Interest, and was in a manner Deputy to *Lewis*, not *James*; it being said in *Paris* when News came there of *Tyrconnel's* being struck out, That there was none in *England* durst move him: and so it appear'd, as we shall find hereafter.

Tyrconnel more a Deputy of Lewis than of K. J.

Sheridon wanted not those who were Favourites and Well-wishers to his design against the Deputy, as *Castlemain*, *Powis*, and another not to be nam'd, but they durst not trust *Sheridon* with their Sentiments, but sent some of their Confidents to animate him with general Promises, without naming any body: He found himself now involv'd in great danger, and in three days turn'd his Story, and went to *Sunderland*, to whom he had at first only complain'd of the Lord Deputy's Unkindness, but now comes, and positively affirms, that he brought over no Articles against him, nor could say any thing but what was honourable of him, only that his Excellency had taken displeasure against him, he knew not why, &c. and that the Occasion of his coming over was to follow his own private business. Father *Peters*, his Wife's Uncle, would not carry him to kiss the King's hand, but at last his Friend the Lord *Sunderland* got him admittance: However, the King would not hear him speak, in so great awe stood he to his Brother, or rather Master of Grace, whose Creature *Tyrconnel* was.

Sheridon had not continu'd three days in *London*, when he was follow'd by the Lord *Ormonde*, a young Man, Son to the Earl of *Limerick*: He brought Letters to *Sunderland* and others, setting forth *Sheridon* in black Characters; which Negotiation succeeded, that Father *Peters* would admit him no more in his presence. And with those Lords who would have privately supported him against *Tyrconnel*, detested, and declaim'd against him, when they perceiv'd that he publicly magnified his Master; by which means he was wholly left to himself, and *Tyrconnel's* party vigorously pursued him here as a Delinquent, and had it immediately inserted in the News-Letter, That he was turn'd out of his Employments in *Ireland*, and so had notice given him, that he was too that of being Secretary, and a Popish hop prefer'd to his place.

Sheridon set forth in black Characters.

Petitions the King to be heard. *Sheridon* was now involved in very great straits to go back; he consider'd 'twas to no purpose to remain here; 'twas not possible for him without the assistance of Friends, and none would appear for him: At length he delivers a Petition with his own hand to the King, desiring that he might be heard speak for himself, and not be condemn'd to utter Destruction, as he accounted it to be, if he stood not in his Majesty's Favour. The King gave him no other Answer, but that he must return to the Lord Deputy, and there justify himself; this he reckon'd to be hard upon him, but waiting upon the Lord *Sunderland* for some Order to carry back, upon which he grounded his Trial, 'twas thought fit to name the Chief Judges to hear, and to report back the Matter to the King as they should find it.

Returns to Ireland with the E. of Sunderland's Letter. With this Order he returns for *Ireland*, together with a Letter of Recommendation from *Sunderland* to the Lord Deputy, praying his Lordship to take compassion of the poor Man, who was sufficiently mortify'd by what he had already suffer'd in the loss of his Secretary's Place; and that if his Excellency should pursue him farther to the losing of his Commissioner's Place in the Customs, he was a ruin'd Man, for that the King had declar'd if Matters alledg'd against him were proved, he should never have any Employment in his Dominions; and in the close added, That Acts of Clemency were sutable to Persons of his Excellency's Quality and Station, &c. But Matters were now come to too high a pitch, and the Breach was too wide ever to be patch'd up together again, as it had been once already by *Judg Daly's* Mediation betwixt them. *Sheridon*, or some in his stead, had even in *Dublin*, whilst this was transacting, spoke contemptibly of the Lord Deputy, in order to applaud *Sheridon* as a Triumphant Conqueror: For so the Populace had cry'd him up in *Dublin*, and the Protestant Party in *Ireland*, out of Enmity to *Tyrconnel*, who it seems they thought to be the worse Man of the two, tho in reality *Sheridon* as an Apostate was the greater Villain.

Sheridon deny'd Admittance to the Lord Deputy. Upon *Sheridon's* Arrival at *Dublin*, he repair'd to the Castle with his Papers, but was not admitted to the presence of the Lord Deputy: He then goes to the Custom-house, and there sits among his Brethren. The next day the Lord Deputy advises with the Judges what to do with him, for his Stomach could not digest his enjoying any Place in the Kingdom, whilst he continu'd Chief Governour. The Judges counsel'd to appoint a Day of Hearing, and in the mean time to suspend him from sitting in the Custom-house. *Sheridon* had this Order sent him, upon which he came to the Castle, and disputed his being suspended, as if not in the Lord Deputy's Power. This Demeanour was an Aggravation to his former, and upon farther consulting with the Judges 'twas agreed, That since much of the Proof of *Sheridon's* Bribery depended upon the Officers concern'd in the Revenue, 'twould be absolutely necessary to heap as much Ignominy and Disgrace upon him in that Province as was possible; which to effect, the Commissioners of the Customs were sent for, and order'd to write to all the Collectors of the Kingdom not to keep any Correspondence with *Sheridon*, in regard he was suspended from acting in the Revenue.

A day being appointed for *Sheridon* to come to a Hearing, he mov'd for more time, which was readily granted; for at this time another blow from *Rome* came against *Tyrconnel*, which requir'd his best Ministers to divert, which was as follows.

The Pope writes to K. James in favour of Castlemain. The Earl of *Castlemain* had for some time been return'd from his Embassy to the Pope, but was vested in no Preferment, which he complain'd of to his Holiness, which was seconded by Father *Peters*; upon the receipt of whose Letters, his Holiness writes over to his Nuncio, to address the King in his behalf; who was as ready to gratify him in something, as the other to embrace it, but at present there was no Vacancy. But to supply that, Father *Peters* takes opportunity to strike at *Jefferys* the Lord Chancellor, for tampering in the Business of *Magdalen-College*; in order to which he roundly acquaints the King, that the most effectual Course whereby to accomplish his Design by establishing the Catholick Religion, was, to let his Prime Ministers and the World understand, that no Service they had or could do, should protect them, or be deem'd of any account, if they fail'd in the least *lot* or minutest Circumstance relating to the Catholick Cause. This Argument was so pursu'd with a constant uninterrupted Vigour by the Nuncio and Father *Peters*, that 'twas brought to the Cabinet, and upon the 17th of *December* at Night in this Year it was resolv'd, That *Jefferys* should be put out, and that Three of the Lords of the Treasury should be made Lords Commissioners of the Broad Seal, and

and that *Castlemain* should be Lord Treasurer. This Resolve continu'd not ten days, but upon the sudden the Scene chang'd, and *Jeffreys* was fix'd more firm than ever. The true Cause of this was never known, but 'twas observ'd, that the Queen and *Sunderland* adher'd to him. This administred fresh cause of Disgust to *Castlemain* and to the Church-Party; for now it began to appear that Affairs mov'd by the *French* Interest, in opposition to that of *Rome*. Such insuperable Difficulties had the Folly of that poor unfortunate King expos'd him to: His Zeal and Affection led him to adhere to *Rome*, but his Dependance was intirely built upon *France*.

The Church-Cabal embrac'd the opportunity of the Lord Deputy's and *Sberidon's* Quarrelling, wherein to recommend *Castlemain* as a fit Person for the Government of *Ireland*, representing to the full how injurious those scandalous Impeachments of the Lord Deputy and *Sberidon* had been to, and how much they had retarded the Progress of the *Catholick Cause*: Farther urging that *Tyrconnel* had proceeded by too slow a Motion, and that he had effected nothing but the turning out of a few Soldiers, and discouraging and frightening away the industrious *English*, who might, many of them, by Indulgence and Encouragement have been prevail'd upon to espouse their Religion: That *Castlemain* was a Man of great Parts, and of a fine curious Head for the accomplishing of such a Work as the reducing and converting of Hereticks.

*Castle-
main re-
commended
as fit to be
Deputy of
Ireland.*

This was soon sent to *Tyrconnel*, and by his Pensioner in *London* communicated to *Paris*; which the Deputy acquaints his two grand Statesmen *Rice* and *Neagle* with, who to dissipate this approaching Storm, sit up Night and Day, even to the hazard of *Rice's* Life, who was an infirm Man.

*Tyrconnel
etc. consult
how to dis-
sipate the
Storm.*

Their whole Consult was, as appear'd afterwards, what Apology to make for their small Proficiency in profelyting Mento their Religion, or at least in indearing them to the espousal of the *Romish* Cause and Interest; and after many Essays, the most Authentick was, that whilst the *English* were Masters of their Lands, they feared not the Government, but as Satan answer'd in the Case of *Job*, Touch them not in their Estates, and they will either run into Treason or Conversion. This being resolv'd upon, *Rice* and *Neagle* were to draw up the Substance of an Act, which they did in that nature as gave, in a manner, the Lands of the whole Kingdom into the Power of the King; and altho the *Catholicks* were to have but half of their Estates, yet the other Part was to be under such Qualifications, as that the King might dispose of it to such as he found to be obedient Sons. This if the King would have pursu'd, a Parliament they could have had when they pleas'd fit for their Turn; all Corporations being already being put into Popish hands, and the Sheriffs of the Counties being Papists, would be sure not to make Returns to their disadvantage.

*The Result
of their Con-
sultation.*

This Consult being come to this ripeness, 'twas concluded, that *Rice* should go over as Plenipotentiary in negotiating this Affair; which was manag'd with that privacy and reservedness, that not one of the Council knew of it till the War-*rent* was sign'd for the Yacht to carry him over. But as soon as this became publick, the Lord Chief Justice *Nugent* flew about like lightning to all his Friends, to make an Interest to go over with *Rice*, which *Neagle* and *Rice* privately oppos'd; for, as one of them told the Author, he was good for nothing but to spoil a Business. When nothing could prevail, he pretended some Affairs of his own, and so obtain'd leave to go over; and for the Honour of the Business was join'd with *Rice*, present that which was publickly to be offer'd, but was not in any part of the pret Intrigue. To render the Undertaking more prosperous for the Deliverance of the *Irish* Nation, they embark'd upon St. *Patrick's* Day; but considering the Success they met with, they might as well have put him out of their Kalendar, by a particular Order from *Rome* they had formerly done St. *Luke*, because on that Holy-day the *English* had obtain'd a great Victory over them in the Rebellion.

1688.
*Baron Rice
and Judge
Nugent
sent over to
England to
manage
their Af-
fairs.*

But to return to the *Irish* Embassadors (for so they were call'd here in *England*) when they came, and after *Rice* had paid a Visit to the Jesuits (of whose Society he was once a Novice, and had been educated in their College) he made his first Court to the Lord *Sunderland*. Father *Peters* he found not favourable to his Design, but the *French* Faction was his chief Dependance, to whom he had always recourse in his private Consults, without communicating any thing to his Colleague, whom he kept in great ignorance of the private Intrigue of *Castlemain* against the Lord Deputy. 'Twas *Rice's* chief Business to possess the Conclave with a great Opinion

*Ricemakes
his Appli-
cation to
the Jesuits.*

of the Lord Deputy's extraordinary Zeal for the Promotion of the Catholick Cause; and that he had made a much greater Progress in it before that time, if the want of a Parliament, and the continuance of the Act of Settlement, had not retarded that Design; without which *Rice* alledg'd; that 'twas impossible to make Converts, or to profelyte any to their Party, who thought themselves Masters of the Kingdom, whilst they had the Laws on their side, and made it their boast; That the King durst not attempt to meddle with them. So that as Affairs stood, there seem'd a more rational probability, that the Roman Catholicks should condescend to the Protestants, than they to the Roman Catholicks.

Fa. Peters brought to join with him.

Thus was *Rice* very active and industrious, in urging and propagating the Intrigue, which when it was fully comprehended by his Party, Father *Peters* was with much difficulty influenc'd so far as to join in it, tho at first he could not be prevail'd upon to hear of it: For he was absolutely byass'd for *Castlemain's* Interest, and being no Politician, but a perfect Fury, and of an Imperious Temper, was wont to contemn every thing that was not his Humour. But this Project being a Work of Expedition in *Ireland*, and (in his own Stile) to convert or confound the Hereticks there; he at last embrac'd it, and when once he became interested, nothing must be done but by his Direction and Advice: so 'twas concluded, that the Project should be laid open before *Sunderland*, and that when he was made Master of it, he and Father *Peters* would wait on the King with it. And to oblige *Sunderland's* more chearful and hearty concurrence in this Affair, he was to be made sensible what signal Advantages would be deriv'd to his Lordship from so great a Revolution in that Kingdom, a Matter which requir'd no great Art so to insfil it into him, as to make it intelligible.

But notwithstanding Father *Peters's* adherence to this Project, yet did he continue in his former Inclinations for removing *Tyrconnel*: And 'twas believ'd that happy difference among the several Romish Factions, was the prime occasion of diverting this fatal Blow design'd for *Ireland*.

Rice and Neagle's Business communicated privately to the King.

The Business was in the Closet fully discours'd to the King by none but *Sunderland* and *Peters* (who, with the liberty of a Digression, I must acquaint the Reader, was not infallible in keeping of Secrets.) The King was soon fully inclin'd to the thing, but how to pass it at the Council, *Hic labor, hoc opus est*, there lay the stress of the Business; for he was very apprehensive, that such as were opposite to *Tyrconnel's* continuance in the Government of *Ireland*, would be more violent against his being there with a Parliament, too great for such a Man whom the Council had in contempt. *Peters* thought he could easily remove that Obstacle, by introducing the Pope's Recommendation of *Castlemain*; but over that the French King had laid his Hand, to whom the poor King was become a Vassal.

How it was to be brought in to the Council.

Amidst these Difficulties, 'twas hard to form a Resolution; but however 'twas agreed to, that the two Judges should be publicly introduc'd to the King with their Project for calling a Parliament in *Ireland*, and to lay at his Majesty's Feet the deplorable Condition of his Catholick Subjects there, occasion'd by the palpable Injustice and Oppression of the Act of Settlement; which was so notorious, that the very Protestants themselves were asham'd of it, and would gladly part with enough to satisfy the *Irish*, in case they might have a good Act of Parliament to secure the rest. All this was put in practice, and they brought to *Whitehall*, where the King receiv'd their Project in writing, and told them, he would advise with his Council about it.

Why it was immediately brought in to Council.

Now 'twas the constant Method of King *James*, in any thing of weight or importance, to consider it first in the Cabal before 'twas propos'd at Council-Board; yet this thing, upon which intirely depended the Settlement or Ruin of a Kingdom, had not that Sanction, but was carry'd immediately to the Council, which was matter of Admiration to many, but suppos'd to be done for one of these two Reasons; either that the King was conscious that those of the Cabinet would not suffer it to proceed any farther, but was in hopes so to influence the Judges and other Tools he had at the Council-Board to vote for it: Or else that he would shew his indifferency in the Matter, that so it might not be thought any private Intrigue.

The King acquaints the Council with their Project.

The King brought this Project the first Council-day, and in few words acquainted the Council with its Importance and Contents, and by whom presented to him: No Man spoke a word, either in favour of, or in opposition to the thing, but desired it might be read; which being done, the Lord *Bellasis* in a storm of Passion inveigh'd bitterly against it, saying, That if such Designs as those were in-

courag'd,

ourag'd, they of England (meaning the Catholicks) had best in time to look out for some other Country, and not stay to be made a Sacrifice for Irish Rebels. Powis according to the best of his Understanding seconded it; and in short, 'twas so run down, that neither Sunderland nor Petres durst attempt to speak a word in its Vindication, but only desir'd that those Gentlemen who brought over those Papers might be heard. Bellasis was for committing them, or commanding their immediate return; but 'twas at last thought reasonable to hear them, so a day was appointed.

The noise of this, and the Success it had met with at the Council-Board, flew abroad with great Exclamations, the Boys in the street running after the Coach where Rice and Nugent at any time were, with Potatoes stuck on sticks, and crying, *Make room for the Irish Embassadors.* 'Twas believed that some of the Popish Party did blow up the People, that so the King might be sensible what Mischief this would tend to.

The day came for these Embassadors to be heard at the Council-Board, where Rice made a Speech full of Policy and Artifice, and answer'd the Objections made by the Lord Bellasis and Powis; but when Nugent came to speak, he kick'd down all that Rice had done, and Bellasis presently discover'd the defect of his Irish Understanding, as he call'd it, abusing him beyond the Respect due to the place where the King was, calling him *Fool and Knave*; and Powis did the same. They were not long in tearing this fine Project to pieces, which when they had done, Bellasis bid them make hast to the Fool their Master, and bid him next Message he sent, to employ wiser Men, and upon a more honest Errand. Powis bid them tell him, That the King had better use to make of his Catholick Subjects in England, than to sacrifice them for a preize to the Protestants of Ireland in lieu of their Estates there.

In short, every one fell so violently upon them at the Board, that the King remain'd silent, and without any Resolve or Order broke up the Council; and neither the Embassadors nor their Project appear'd more upon the Stage, but kissing the King's Hand, march'd off with great hast and precipitation, for they were afraid that even the Roman Catholicks themselves would have affronted them.

This Miscarriage of Tyrconnel's gave fresh Opportunity to the Castlemanians to raise Objections against him, setting forth what Mischiefs he had already done in that Kingdom; that the Revenue was sunk to an incredible Abatement, and that in one year more there would not be left Money enough in the Kingdom to discharge the Army; and that this last Project of his would exasperate, and frighten away those of the English which were left, who being the Dealing and Industrious People of the Nation, would put a final Period to all Trade and Commerce in that wasted and depopulated Country. But all these just and reasonable Allegations (which matter of Fact, and the present ruinous and distracted Estate of that Kingdom did but too fully evince the Truth, or rather Infallibility of) tho judiciously laid down before the King by sober and considering Persons, yet were they all to no purpose: for tho the King kept it private from most of his Council, yet certain it is, that he had promis'd the French King the disposal of that Government and Kingdom, when things had attain'd to that growth, as to be fit to bear it. This jump'd near to the time of the King's Declaration for Liberty of Conscience, and the Bishops Commitment to the Tower: And as one had ruin'd England, if the visible hand of Supreme Providence had not signally and miraculously interpos'd, by inspiring the Bishops with courageous and invincible Resolutions in a just Vindication of the Protestant Cause and Religion; so the other had struck the fatal Blow to the Laws and Fundamental Constitutions of Ireland, if some *Hushais* even amongst the Romish Faction had not turn'd the pernicious Counsels of these *Achitophels* into Folly.

The expected success of the aforesaid Embassadors Negotiation, which by one Party was dreaded, by the other hop'd to prove answerable to its Design, made various Impressions upon Men in proportion to their different Interests. The English were apprehensive of no less a Change than a total Subversion of the Government, and an unravelling of all the Laws made for the Security of their Estates and Religion, which the unHINGING the Act of Settlement (the sole occasion of this solemn Embassy) would at one blow compleat. The Natives were imaginarily in actual possession: Their apprehensions whereof were such as discover'd all the outward Signs and Indications of so high a Satisfaction, as cannot be easily represented. Joy and Triumph was in all their Actions and Discourses: Fancy and imagination wrought very powerfully, and like Men in Bedlam, who dream of nothing

Rice and Neaglebow treated by the Mob in London.

Were heard at the Council-Board.

How dissatisfied by the Council.

1688. Attempts made to remove Tyrconnel from his Government.

Success of Rice, &c. variously expected.

nothing but Kingdoms and Empires, they seem'd to shew as much Complacency, and to be alike transported with the airy hopes of getting, as if they had been already invested in their Estates. But this Scene of Joy, which had been represented with so much Splendor and Magnificence, soon disappear'd, and a melancholy Prospect over-shadow'd with a dark Cloud, was quickly brought upon the Stage, when they perceiv'd all their hopes blasted in the fruitless Consequences of this great Intrigue. *Parturient montes*, their high Expectations soon descended to a low ebb, and they were quickly under as great Despondency (by this sudden turn of the Spoke in the Wheel) as they were before of Satisfaction. For as they are wont to put no bounds to their Ecstasies and Transports in prosperous, so neither do they limit their Sorrow and Despair upon adverse Contingencies. An Unequalness of Mind and Resolution very remarkable among the *Irish*, who like the floating *Euripus*, have no Consistency in themselves, but are carry'd up and down in their Hopes and Fears, according as every petty Accident does either invite or discourage.

Sheridon
pleas'd at
their Dis-
appointm.

But to return to *Sheridon*, whose Trial *Rice* and *Nugent's* Absence had retarded, and the ill effects of whose Negotiation had so exalted him, that he begun to vaunt over his Enemies, openly exclaiming against the Lord Deputy, and withal adding, That he would soon be remov'd from the Government; and such Advantage did he derive from this Disgrace *Tyrconnel* met with in *England*, that he held the Lord Deputy and his Judges at defiance, and was now become so imperious, that his bragging and threatening the Evidence took off several. And the truth is, after *Rice* return'd from *England* they were in such Despondency, expecting every day a new Lord Lieutenant, insomuch that one day *Tyrconnel* himself said publicly to some Officers at the Castle, that tho he had great Assurance from the King that he should not be remov'd, yet now he heard that he should, and wish'd that he had given Five hundred Pounds to have known it a Month sooner; which Expression was much wonder'd at.

1688.
Brought to
his Trial.

Sheridon now comes upon his Trial, having four Counsel all Protestants, or at least who pretended to be such, for two of them have since by their Actions given cause of Suspicion, viz. *Whiche* and *Donohan*, two intire Friends; the first now with King *James* in *Ireland*, and imploy'd a Judge of Oyer and Terminer to try Protestants for their Rebellion.

Donohan,
one of She-
ridon's
Counsel, his
Character.

Donohan is here, and makes a fair shew for King *William*, as his Brother *Whiche* for King *James*, but had the Misfortune of being discover'd to procure a Pass for his Brother's Son that was here imploy'd by King *James*, and was one of his Converts, who 'tis said, has since return'd hither from *Ireland* with Intelligence from King *James*. Two as good Protestants as Brethren, but both in Iniquity: One acts by a Commission from King *James* against those of his own Church and Profession, and not only so, but interprets that to be Rebellion, which was grounded upon no other design than an absolute Preservation of their Lives from the bloody Massacres of the *Irish*; who having rob'd and pillag'd them of their Substance, at the next step would have broke into their Houses, and have cut their Throats, from which they were bound by the Law of Nature, and consequently by that of Religion (to which the last carries no opposition, but is derived from it as its prime and original Fountain) to defend themselves. But is it possible for any one that stiles himself a Protestant, so shamefully to temporize and prevaricate, as against the Laws of Nature and Humanity thus (as it were) to prey upon his own Kind? The other promotes King *James's* Interest, tho not publicly and upon the open stage, yet by private and secret Machinations, tho at the same time he seems a zealous Adherer to the present Government: An Hypocrisy, which, I pray, may be as much beyond a Parallel, as 'tis without Excuse.

The Charge
against
Sheridon.

But I come to *Sheridon*: The Charge that was brought against him, was, for selling of Places, and receiving extravagant Fees in his Office. To prove which there were Witnesses of all sorts brought from all parts of the Kingdom; to which *Sheridon* and his Counsel made defence only by criminating the Evidence, or making them interested as Parties that swore to get Money, if they could fix it upon him. The chief Evidence produc'd against him was a Priest that he had imploy'd to bring Grift to his Mill.

This Priest he brought Evidence to prove was a Man of a leud and infamous Character, guilty of several vile Actions, as of Bastardy, &c. Much time was consum'd in hearing impertinent stuff, not worth my filling Paper with, or the trouble

trouble of the Reader's Perusal; but in the end he was dismiss'd of his Employments, and so went off the stage the worst of Men, had he not left an *Ellis* behind him, a Miscreant of all shapes, that hath since been the Engine of Murders and Rapines in that Country.

But now comes into *Ireland* one Captain *Bridges*, who rid Post to bring the happy News of the Birth of the suppos'd Prince of *Wales*: For which he receiv'd the Honour of Knighthood by the Name of Sir *Matthew Bridges*.

What Tongue can express, or Man describe the Extravagancy of those Joys which possessed the *Irish* at the Arrival of this News? Their former Apprehensions of the shortness of their Triumph, by reason of King *James's* Declension in Age, and the prospect of a Protestant Successor, had extremely imbitter'd their greatest Comforts, and caus'd an Intermixture of Hopes and Fears. But now they had got a Young Prince that would become a Patron to the Holy Church, this soon dissipated all their Troubles. They now consider'd, that their Religion would be perpetuated to future Ages, and that upon this fund they might not only extirpate Heresy, but so establish the Holy Catholick Religion, as to remain to all Posterity: For now (in the Scripture Phrase, which they usurpingly monopolize and improperly apply to themselves) *The Gates of Hell were never like to prevail against their Church*. These were such sweet Reflections as they never before had a perfect Relish of, and which such narrow Breasts, and earthly Souls, were not capable to contain, or to contemplate upon, without making a violent Eruption into all the outward Demonstrations of an inconceivable Satisfaction. 'Twould require a Volume to describe the Particularities of those various Scenes of Joy, which they shew'd upon this occasion. Let this suffice, That no Arts of Extravagancy were omitted, whereby to represent their boundless Complacencies. This News gave them so victorious an Ascendant over the *English*, that they were now become the Scorn and Contempt of those individual Persons who had been their Slaves and Vassals, insomuch that the meanest Labourer would now upon the least Provocation threaten to hang his Master. One pleasant Instance to this purpose I cannot omit, the Author being an Ear-witness of it. A Labourer came to his Master very soberly, and told him he ow'd him a Cow, and bid him give it him presently; the Gentlemen laugh'd at him, for he own'd him not a Penny: upon which the Fellow growing angry, the Gentleman call'd him Rascal, and offer'd to beat him; but the Servant was not only too quick, but too strong for the Master, whom he was very fairly about to cudgel; but Company interposing, diverted him from his Intention: But the Jest still remains, which he spake in *Irish*, but being interpreted runs in *English* thus, *You English Churle (with an Oath by his Maker and St. Patrick) I will hang thee with these hands, as well as ever thou wast hang'd in thy Life*. But the poor Gentleman was afraid that he would have given him such a Hanging as is never us'd but once.

The News of the Bishops being committed to the Tower, came some few days before that of the Prince of *Wales's* Birth; either of which gave them abundantly more joy than they could possibly bear, but being united, put them into strange Convulsions. Their Passions were now outrageous, having both these at once upon their Hearts; and now that they must vent themselves, 'twas a most difficult thing to restrain their hands from cutting of Throats, it being natural to them in their Drink and revelling Debaucheries, for want of Enemies, to stab one another; and contrary to other Brutes (for they deserve no better Name) they are most mischievous when best pleas'd. Then is reviv'd an old Quarrel of the Grandfathers (commenc'd a hundred years ago) and the Revenge must be executed, if any of the *Glan* (as they call them) be in the Company.

Before I take leave of our suppos'd Prince of *Wales's* Birth, I must not omit to acquaint the Reader of the universal Confidence of all the *Irish* in the Kingdom, that the Queen (as soon as 'twas said she had conceiv'd) was with Child of a Son. This they were so certain of, that they would lay twenty Guineas to one, or any other Wager in proportion to that, from the highest to the lowest amongst them. This Confidence was much wonder'd at by the *English*, and judg'd to be very unreasonable, if not built upon some private Grounds and Inducements, which I leave the Reader to guess at, and which some amongst 'em were certainly acquainted with, whose Discourses among the rest created in them a belief of some extraordinary Design then in agitation: Otherwise they would never have been so forward in proposing such extravagant Wagers, which when the *English* inquir'd the reason of, they attributed their great Assurance to the Prayers of their infallible Church,

1688.
News of
the Birth of
the P. of W.

The Joy of
the Irish
thereon.

And also on
the News of
the Bishops
Commitment to the
Tower.

The Irish;
as soon as
they knew
the Q. was
with Child,
was confident it was
a Son.

Church, which were daily offer'd to God upon this account, and would undoubtedly meet with a futable Return. But it appear'd plain enough, that tho this was generally ascrib'd as the true Cause of their great Confidence, yet they had other latent Reasons which were not fit to be discover'd.

1688.

Judge Daly
his Partial-
ity to the
English.

But to leave this, and proceed to other Matters. The Judges of Assize, even Daly that was the justest Man amongst them, and who in the first Circuit he went, did good Service in hanging his Countrymen, did now this Summer-Circuit favour all Criminals; and having Sheriffs of their own, pack'd such Juries, as neither Murder nor Felony, if committed upon Protestants, was adjudg'd to be a Crime; and where Matters were so apparent, that they could not possibly but find them, the utmost Extremity us'd was Burning in the Hand. 'Twas said, that the Lord Deputy had particular Commands from King James in this Matter, for these Reasons.

First, They hang'd none but Catholicks: For 'tis scarce known in an Age (which bespeaks the great Honesty and Integrity of the ordinary sort of Protestants) that any *Englishman* turns a Tory, or is guilty of Theft.

In the Second place, 'Twas thought the best way to destroy the Protestants; and 'twas observ'd that none were rob'd but incorrigible English Fanatics, as they call'd them; and those were deem'd to be such, that were so inflexible to all their blandishing Arts of Persuasion, and alluring Inticements, as there remain'd no hopes of their Conversion. Whereas in all parts of Ireland there were too many *Laodicean* and Temporizing Protestants, who being related to the old Stock of the Kingdom, could easily shelter themselves under the Covert and Protection of the Irish Gentry and Grandees; and these luke-warm Indifferents were those whom the English were most afraid of.

Clergy and
Laity of
the Pro-
testants daily
under addi-
tional
Grievances.

The Judges puri'd their Instructions to the utmost; and now that notorious Principle which the Church of Rome is asham'd to own, but daily practises, *That no Faith is to be kept with* (and give me leave to add) *nor Justice given to Hereticks*, was signally demonstrat'd at this juncture: For now, tho both Laity and Clergy lay every day more and more under additional Grievances, yet 'twas apparent there was no hope of any Redress. The Laity had not only great Arrears of Rent due to them, but still more and more old Pretences were reviv'd by the Irish of Debts due to them ten or twenty Years ago, which they now sued for, as pretending they could have no Justice in the Protestant Government which was the reason they had retarded prosecuting so long; in order to which they wanted not Knights of the Post, who for the value of Six-pence in Drink, would make as many false Affidavits against the English as they pleas'd.

The Clergy
could not
have their
Dues paid
them.

The Clergy made their Complaint to the Judges the Year before (as I have hinted to you already) as to the obstinacy of the Country in the non-payment of their small dues, and receiv'd no redress; but now the Evils were grown upon them to a higher pitch. The Priests were now become so confident in their hopes of establishing Popery, that they could no longer contain from shewing their inveterate malice against the Protestant Clergy, against whom they endeavour'd to prepossess their People at Mass (over whom they had an unlimited and arbitrary Power) with all imaginable Prejudice and Contempt.

The Priests
stir up the
Irish not to
pay the
Protestant
Clergy their
Tithes.

The Priests now suggested to them, that by the same reason that they detain'd the lesser from, they might also refuse the paying the greater Tithes to, the Ministers, as Corn, Hay, &c. They told them that they saw by their own Experience, they had been discourag'd in their pursuit after the first, and after all their Endeavours could get no redress; and now that the Catholicks had Liberty of their Religion, they saw not why they should not deny them the last: For the Law would not give these to them more than the former. Of right they told them, that all the Tithes belong'd to them as their proper due; and tho by the Oppression and Injustice of the Protestant Government they had been kept out of them so long to their apparent Prejudice and Disadvantage, yet now things were in another Posture: They had now a Catholick King, and Catholick Magistrates of their own, who would not take their dues from them, but rather invest them in them; and therefore charg'd the People, under pain of Excommunication and the severest Anathemas, not to pay any manner of Tithes to the Protestant Ministers. The Vulgar Irish were so much over-aw'd with these Arts of Terror from their Priests (whose Sentence in any thing they reverence with an equal Fear, and a like profound Veneration, as if pronounc'd by the Pope in the Infallible Chair) that none

would come to the Protestant Clergy to take Tithes of them, unless these dreadful Imprecations (which if incur'd, they believ'd themselves to be certainly damn'd) were taken off. By this means the great Tithes were like to lie upon the Ministers hands, a great inconveniency in most parts of Ireland, where their Parishes being of a vast Circumference, and full of Bogs and mountainous Places, 'twould be difficult, if not impossible almost, to gather their Tithes in kind, at least without having one half of them embezel'd and stole by the *Irish*. This puts the Clergy upon a necessity, either of setting out their Tithes in small proportions, or else they must lose them: and in those Countrys where the *Irish* are most numerous, the vulgar Sort were wont to take the Tithe, which the Priests now prohibiting under the aforesaid Penalties, would, as they were sensible, be an unspeakable Loss and Mischief to the Ministers, for the Reasons already mention'd, which was what they studiously aim'd at, and were desirous to improve as high as they could.

These malicious Practices of the Priests put the Protestant Clergy to great inconveniences in the disposal of their Tithes, especially in such Countries where the *Irish* were most numerous: Most were forc'd to descend to an Accommodation with the Priests, bestowing a considerable proportion of Tithes upon themselves (which was what they drove at) to suffer the ordinary *Irish* to come and buy the rest. Some that would not be abus'd at that rate, made their Applications to the Judges of Assize, complaining against these insolent and irregular Proceedings of the Priests. But alas, it was not to be expected that these Catholick Judges would go and punish their Ghostly Fathers; a very unnatural act in their Religion. In short, no Law would be found out to punish them: all that could be gain'd, and that very rarely, was a civil Admonition to them, not to disturb the Protestant Clergy in their Rights, and the like, and so were dismissed, how plain soever the Matter of Fact was prov'd against them. By this it seem'd that those of the Clergy, tho not the most Courageous, yet were the most Politick, who dealt privately with the Priests, and by fair Words and considerable Largesses of Tithe-Corn, &c. prevail'd upon them to be quiet: for the meek and filial regard of these Judges to their worthy Fathers, serv'd but to make them the more insulting and imperious over the Ministers, who still animated the Country against them, and at last to that height, that several of the *Irish* in many Parishes violently seiz'd upon the Tithe-Corn, &c. and converted it to their own use, neither suffering any other to buy it, nor any Servant of the Ministers to come upon the Land to collect it.

But to leave this Affair of the Clergy, and to join them and the Laity together, if it happen'd that for Money due by Bills under Hand and Seal, or by clear and unquestionable Evidence, Executions were obtain'd from the Judges against any of the *Irish*, then had the Natives another Refuge to shelter themselves under, and to fly to that of an *Irish* Sheriff, who would carefully decline all opportunities of taking the Party; or if he could not avoid apprehending him, then he would either offer him to make a voluntary escape, or else a hundred or two of Men should be in the way, and rescue him from the Goal; or if they wanted Force, the whole Country of the *Irish* would rise up and assist them, if the Debt was due to an *English* Churle, as they call'd them. These things so encourag'd the *Irish* that had Executions over them, that they would come and hector those of the *English* (to whom they ow'd the Money) in the open street, and with their Swords by their sides, and Fire-Arms and Skeens in their Pockets (the last a bloody large Knife, with which they are wont to stab the *English*, and not seldom one another) with half a dozen more lusty Rogues at their backs, would come to their Doors, and bid them publish defiance.

Thus were the *English* either deny'd Justice against the *Irish*, or if they obtain'd from the Judges, yet they were sure not to meet with it in the Sheriff, and so have no other return of all their trouble, but the contracting additional Cost to their former Debt from one Assizes to another, which was like to continue in infinitum, and all to no purpose, unless that of enhancing the Charges far above the principal Debt, and still be out of both. On the contrary hand, if an *Irishman* but any tolerable Plea for a Debt due from a Protestant, a Decree was readily granted; and as for the Sheriff's execution of it, 'twas as swift as his implacable Hatred could hurry him, and then be sure no failure was committed in the due usage of the Debtor, whether in relation to Body or Goods: If the last, then must three times the value of the Debt be taken, and apprais'd by *Irishmen* appointed

pointed for the purpose, who, the Reader may presume, would not put too large an Estimate upon them. 'Twould fill a Volume to give the particular Instances of such violent and irregular Actions done, to the Author's own knowledg. But I proceed.

1688.
Tyrconnel
first re-
ceives Ad-
vice of the
Prince of
Orange's
Designs.

Now came a Ship from *Amsterdam* bound to *Dublin*, with Letters from a Friend of *Tyrconnel's* to him, which intimated, that he writing nothing but his own Conjecture, did imagine that the Prince of *Orange* had a Design against *England*; for none could otherwise guess what all those great Preparations in *Holland*, which they were so extreme hot upon, tended to, *Tyrconnel* sent this Letter over to *Sunderland*, who shew'd it to the King, who made no other use of it than to deride *Tyrconnel*, as appear'd by *Sunderland's* writing to him, and ridiculing his Intelligence. But every day usher'd in fresh Suspicions, the Effect whereof was look'd upon as very strange, as being a thing that was wish'd for, both by Friends and Enemies. The *Irish*, to shew their antient Vanity, triumph'd before the Victory: They call'd the *English*, *Rebels*, by way of Prediction; for they were sure that they would join with the Prince, and as certain that they would be beaten, and serv'd the same Sauce that *Monmouth* and his Adherents had met with; only that they now spoke more bloodily, and in more malicious and butcherly Expressions against the Prince of *Orange*, *Whose Head they would stick on a Pole, and carry it round the Kingdom*. For near a Month this was only discours'd of, but at last arriv'd King *James's* Proclamation, and then the *English* began to consider what they should do. The most considerable Persons amongst them hasten'd to *Dublin* to see how things stood. The *Irish* also flock'd thither in such Multitudes, that the City could not contain them; yet the soberer and more prudent Party were for sitting still, and some for going over to *England*, as being differently possess'd with various Fears and Distractions: and when the happy News arriv'd of the Prince's Landing, they hung down their Heads like Bullrushes, and were under the greatest Desperation and Despondency; and on the contrary, the *English* bore up as Victors; *Tyrconnel* courted them, and made every day preparations for flight.

Nugent's
Charge to
the Grand
Jury.

Yet the Term was then begun at *Dublin*, and the Lord Chief Justice *Nugent* (than whom perhaps the Bench never bore a more confident ignorant *Irishman*) gave the Charge to the Grand Jury, in which he applauded and extolled, above the height of an Hyperbole, the Maguanimous and Heroick Actions of the Great and Just King *James*; and on the contrary, cast the most vilifying Reproaches upon the Prince of *Orange*, and charged them to make a diligent disquisition after any that were suspected to adhere to his Interest, with such opprobrious Expressions, fit only for the Mouth of a *Irish* Vulture or Cannibal. His Conclusion was, That now the States of *Holland* were weary of the Prince, and that they had sent him over to be dress'd as *Monmouth* was, but that was too good for him; *And that he doubted not before a Month passed, to hear, that they were hung up all over England in Bunches like Ropes of Onions*.

1688.
One Swan
near Dub-
lin barba-
rously mur-
der'd by a
Sheriff and
Irish Rus-
sians.

About this time, as a Prelude to what has since follow'd, was one *Swan* a Gentleman near *Dublin*, most barbarously murder'd by the Sheriff, and a parcel of *Irish* *Russians*. The pretence the Sheriff had, was to take possession of some Land that an *Irishman* had recover'd from the said *Swan*, but with so little Right, that the *Irish* Judges in the *Exchequer* (a Demonstration indeed, that 'twas palpably unjust) refus'd to grant the Injunction; however their Tool *Worth* did it, and the Cry is, *That the Blood of that Man lies at his door*. But the Sheriff exceeded the Tenour of his Warrant; for he had nothing to do with the House or Land it stood upon. *Swan* therefore kept his House, and the Sheriff coming to take possession, *Swan* look'd out of the Window, and desir'd him to call a Jury of that Neighbourhood, and if they found that Land or House in his order from the *Exchequer*, he would give quiet possession; but otherwise he would not open his Doors, for he was very sure the Sheriff had no order to come there. Upon this, without any offer of *Swan* more than keeping his Door shut, the Sheriff having his Men ready, a number of them together discharg'd a Volley of Shot at him as he stood in his Window, and shot him in several places: They broke open his Doors, and finding him wallowing in Blood, and groaning upon the Floor, they took him up and flung him out of Doors. Some more compassionate than the rest carry'd him into a Cabin, where he had so much strength as to ask for Drink. In his House there was of several sorts enough, but those inhumane Butchers would not give the

the dying Man a drop, who died there in the place. This horrible Tragedy I thought fit not to omit the relation of (tho by way of Digression) as being but the introductory part of too many of the like Barbarities repeated since.

Every day by all ways Expresses came to Tyrconnel, which gave him no good account of Affairs, and made him give Commissions to any that would accept of them, and, that he might have the more custom, without a Penny of Fees to the Secretary: For many of them that had Commissions, pawn'd them for their Lodgings at their going out of Town, not having a Penny to carry them along, but pawn'd their very Clothes off their Backs as they travel'd.

Tyrconnel gives Commissions to all that would take them.

The English, and some of the best of themselves, laugh'd at this Poppet-play, for no Man believ'd that 'twas design'd for more than a shew, and that Tyrconnel did it to make good his Word, of being able to raise an Army of a Hundred thousand Men at a month's Notice.

Every day brought an additional Account of the Prince of Orange's Success, which put the Grandees into so great a Terror and Consternation, that those who had at first express'd a great deal of Alacrity and Forwardness amongst them in raising of Men, began now to decline, and by degrees more and more to draw back. Then the Lord Deputy sent to the Judges, and the Lord Chief Justice of Ireland.

The Success of the Pr. of Orange terrifies the Grandees of Ireland.

Nugent (to shew his Valour) undertook to raise a Regiment, and so others pretended to do, but it came to nothing. The Irish were in greater trouble and confusion than before, the English braving it in City and Country, every day expecting to have an English Lord Lieutenant over; it being the unanimous opinion of all the Protestants, that the Irish Lords would have contended who should be the first Man to make their submission: But no Relief coming to the English as was expected, some began to draw for England, when an unexpected Catastrophe had like to have swallow'd all up. 'Twas the Earl of Mount Alexander's receiving a Letter, giving him an account, That upon the ninth of that instant December all the Protestants of Ireland were to be cut off. This Letter he sends with several Copies to Dublin, and to all parts of the Kingdom; it arriv'd at Dublin but on Friday, and the Sunday following was to be the Day of Slaughter. This sudden Alarm struck such a fear upon the English, that upon the Saturday there got away about Three thousand Souls. There happen'd to be abundance of Ships in the Harbour at that time, but were so cram'd, that many were in danger of being stifled.

1688. A Report spread of a design'd Massacre of the Protestants.

The Run of these People happen'd to be so sudden, and in the middle of the Night, that it resembled the flight of the Jews out of Egypt; and the Irish were as desirous to have them gone, for some of them were in as great a Terror as the other. The Guards kept their Post in a Maze, and the Draw-bridg of the Castle was drawn up; thus they stood upon their Guard till Morning; and when Tyrconnel understood what the Matter was, he first sent the Earl of Roscommon and the Earl of Longford to Ringsend (this being Sunday Morning) to persuade the People to stay, and order'd the Yacht to sail after them that were gone, and to fetch them back, but neither of his Orders succeeded: And the same day sent to some of the most considerable Persons and Citizens of Dublin that were Protestants, making great Protestations and Oaths of his utter abhorrence of the pretended Design of massacring the English, begging them to persuade their Friends not to stir.

The Terror it cast on them in Dublin.

'Twas by all his Actions at this Juncture sufficiently apparent, that he had then no thoughts of standing out, notwithstanding that he gave Commissions to every one that would accept of them: For he now made great Court to the English, desiring several of them to testify how just and equal he had always been in his Government to the Protestants. This was a Condescension to the English, which carry'd no proportion with the Imperiousness of his former Carriage to them, and was accordingly interpreted as an effect of inevitable Necessity, and of that great Consternation, of which such eminent Characters were plainly legible in all the Circumstances of his Deportment; for he now discover'd as much Awe and Dread at the Success of the Prince of Orange's Arms, as upon the first News of his Arrival he had done of Disdain and Contempt: Every Action he did had deep Marks of his Fears engraven upon it, and all his Discourses expressed his disorder'd and evil apprehensions of the present tendency of Affairs.

Tyrconnel courts the English to side with him.

But as Matters were in this great hurry and confusion at the Castle, so is it not easy to set forth the strange Effects and Consequences which attended that sudden alarm in the City of an intended Universal Massacre: There you might see

Thousands of People deserting their Houses, and all their Substance in the World, and running to the Ships with scarce any Clothes upon their Backs.

Never was seen such a Consternation as at this time : Never such a Confusion and Distraction. All the bloody Massacres in the former Rebellion were now reflected upon under the most ghastly and dismal Representations, and those Scenes of Barbarity and Cruelty seem'd to threaten the same or worse Usage, which produc'd the greatest Horror and Amazement, Grief and Despair, that Human Nature could be capable of.

The Confusion from the Protestants were in throughout the Kingdom.

This fatal News, which had so terrify'd the Protestants of *Dublin*, as if the Dissolution of all things had been at hand, arriv'd not to several parts of the Kingdom, till the very day 'twas to be put in execution ; which being Sunday, was brought to the People in the time of Divine Service in some places, and struck them with such sudden Apprehensions of immediate Destruction, that the Doors nor allowing quick Passage enough by reason of the Croud, abundance of Persons made their escapes out of the Windows, and in the greatest Fright and Disorder that can be represented, the Men leaving their Hats and Perriwigs behind them ; some of them had their Clothes torn to pieces, others were tramp'd underfoot, and the Women in a worse condition than the Men. And this disturbance did not only continue for this day, but for several Sundays after the Protestants were in such a Consternation and Terror, that all or most of them carry'd Fire-Arms, and other Weapons to Church with them, and the very Ministers went arm'd into the Pulpit, and Sentinels stood at the Church-doors all the while they were in the Church. But whether this (which created so great a Fear and Uproar among the Protestants in all parts of the Kingdom) were a real thing design'd, or whether by that Discovery prevented, I leave it to others to judge and determine ; but certain it is, that never any thing which happen'd in the Kingdom (no not all the Occasions of Fear which were given to the *English* in the daily Progress of Popery in the late King *James's* Reign, or even that of *Tyrconnel's* coming to the Government) made so great a fright among the Protestants as this.

1688.

From this time we may commence those unheard-of Acts of Rapine and Spoil, which the *Irish* began to exercise upon the *English*, such unparallel'd Villanies of open Robbery and Violence as no History can equalize, no Time produce, or scarce any Nation (however barbarous) have been known to be guilty of ; at least never any that had the Culture of a Moral, much less of a Christian Education, or that were so far civiliz'd as to be reduc'd to any sense of Humanity, or to Submission to Law and Government.

The Irish Principle that it was no Crime to rob the English.

'Twas a Principle long imbib'd by the Natives of that Kingdom, and which a continu'd Practice had given so the Proof and Demonstration of, that 'twas no Crime to rob or steal from an *English-man*, as being an Heretick, and deem'd a publick Enemy to their Religion, as well as to their individual Interests. Tho' this Principle was too notorious to be own'd and defended, and in that respect is of a like Cognation with too many of the Romish Church : yet their Actions evidenc'd the truth of it ; I mean not of the Principle it self, but of their being of that Opinion. For 'twas plain, that their forbearing to ravage and destroy the Substance of the *English*, when under the Protestant Government, was to be attributed to a fear of the Laws, or rather of the Penalties annex'd to the breach of them, which had hitherto in some measure curb'd and restrain'd them from Violence ; and not to any Principle of Conscience, or distributive Justice. On the contrary they were so far from respecting it as a Crime to injure the *English* in what they could (as is already touch'd upon) that they look'd upon it as an Act of Merit. *Quo jure, quaque injuria, — per fasque, nefasque.* If they could contrive any way to prejudice them in their Substance or Estates, tho' by the most sinister and impious Devices, 'twas a lessening of the Purgatory Flames, if not a quite extinguishing ; at least, 'twas a nearer step to Paradise.

Broke out on K. J's coming to the Crown.

But altho' this vile Maxim was industriously conceal'd amongst them, and tho' at the bottom of their Hearts did only break out now and then whilst they were kept under Submission and Obedience to the *English*, and this for fear of a Human, not any Divine Law ; yet when the face of things chang'd to their Advantage in the Reign of the late King *James*, and amongst many others, the Laws against notorious Criminals and publick Malefactors, if *Irishmen*, if not quite cancell'd, were much dispensed with, then the Natives shew'd themselves in their proper Colours, and manfully apply'd themselves to rob and steal from the *English* : which tho' it was a continu'd practice in all the aforesaid Reign, yet never arriv'd to its

Maturity

Maturity till this time. Now all things were in Confusion, and the Reins of Government seem'd to be let loose by reason of the present Distractions. This therefore they look'd upon to be their Harvest, which they were resolv'd to make use of as industriously as they could; and in order thereunto would go in great Crouds in the Night-time with Fire-Arms, and other Weapons, and steal a hundred or two hundred Head of Cattel at once from an *Englishman*. This practice continued so long, till many *English* Gentlemen, and substantial Farmers, who had several hundreds of Black Cattel, and Sheep, &c. had not one left; so that those who had liv'd in great Hospitality and Plenty had not now Bread to eat, or any thing left to preserve them from starving. This Calamity was almost Universal throughout the whole Kingdom, tho in some Counties more than in others: and I have been told, that in one County in the Province of *Munster*, eleven thousand Cattel were stole by the *Irish* in nine days; and that hardly one *English* Gentleman or Farmer in all that Country had above two or three Cows left; and that for forty Miles together the *Irish* Cabbins were full of Beef stolen from the *English*, which they did not so much as bestow Salt upon, but hung it up in the Smoak; and that it stunk and look'd as bad as any Carrion.

This I have by relation of some of that County, who are Persons of very good Credit, but not being an Eye-witness of it, shall leave it to the Reader to judg; only this is certain, That an incredible havock was made by the *Irish* in all parts of the Kingdom. But I leave these Cannibals to devour one another, after consuming in this barbarous and impolitick manner, the Cattel and Breed of the Country, which in all probability will occasion a Famine, or very great Scarcity in that miserable Kingdom.

'Twas exceeding strange and unaccountable to see the *English* possess'd with such various Distractions upon the News of the intended Massacre already mention'd, some running to the North of *Ireland* among the *Scots*, others to the *Ile of Man*, and abundance for *England*, to shelter themselves; when at the same time, all that had any sense believ'd, that *Tyrconnel* would be the first Man in the Government that would endeavour his Escape; for most of his Goods of value were already pack'd up, and some of his Treasure ship'd. In this posture they continu'd till *January*, and then some of the *Irish* Lords mov'd to have him surrender the Sword, and the whole Council-board gave it for their Opinion; to which he only reply'd, *Would they have him throw it over the Wall, for there was none to take it?* Thus unhappy was the Delay, which with too much reason may be fear'd to lie at the Door of a certain Gentleman here, and his Friend *Keating* in *Ireland*, two Men that rais'd their Fortunes in the last Settlement, and were making provision for the same Work again; and 'tis remarkable, that a Brother to these two Gentlemen is (as 'tis said) the most active among the *Irish* at this day, and one of their Houses the only Sacred place from Violence in *Dublin*. But of this Intrigue more may be expected, and time will shew, since the Honourable House of Commons have taken that matter into their prudent Consideration.

The deplorable Effects and Consequences attending the wrong Measures taken for the Reduction of that Kingdom, are perhaps, if duly reflected upon in all their Circumstances, more doleful than the Massacre and Rebellion there in Forty One, tho 'tis much less consider'd: and it seems a Work becoming the great Council of this Nation to bring the Authors of it to condign Punishment.

But to return to the last Debate betwixt *Tyrconnel* and his Council. They were all of them in amaze, and in great Confusion: What to do they knew not, all of them were unanimous in their Resolutions to submit, except the Lord Chief Justice *Vugent*, and the Lord Chief Baron *Rice*. The Priests put off their Wolves clothing, and in most parts of the Kingdom turn'd Sparks with their Swords by their sides, and Perriwigs upon their heads. In this Month the *Irish* assembl'd together in great Bodies by the name of Rapparees, arm'd with Skeens and Half-pikes; and what Roberies they left unacted upon the *English* in the Relation aforementioned, those they now compleated, killing their Cattel, and robbing and pilaging their Houses. Now their new Levies were mustering every day, and their priests exercising the fresh rais'd Soldiers, and *Hamilton's* Arrival from *England* put them upon new Resolutions, which necessitated the *English* to fortify themselves, and to associate together for their own Preservation; against which Proclamations were issu'd out in the North, and at *London-derry*, and then follow'd the same in other Parts of the Kingdom, commanding them home to their respective Dwellings, and that such as did not immediately observe the Proclamation, should

Irish Lords mov'd Tyrconnel to surrender the Sword.

Tyrconnel resolves to submit.

Proclamations issued out against the English assembling together.

should be proceeded against by the Attorney as General Traitors. This Proclamation was sign'd by several Protestants of the Privy-Council, which was fatal to the *English*, in regard that it possessed many of them with a belief, that there was not so much danger as they were afraid of; and others it put in fears of the Law. So that upon the whole matter, they were diverted from any thoughts of making their defence, and so were dispers'd and scatter'd up and down, and by that means became an easy Prey to the *Irish*.

Every day brought in new Hopes and Fears, so that some got together again of the *English* near *Kilkenny* and the *Queens County*, who were soon dispers'd. Still the Lord Deputy and Council remain'd in 'suspence what to resolve upon, when upon a sudden they came to a Conclusion, which might quiet the *Irish* Lords that were for Submission to the Prince and Government of *England*. The Project was this, That two Men should be pitch'd on, and sent over to the late K. *James* in *France*, only to set forth the Impossibility of their holding out against *England*; and then they were sure to obtain Permission to make Terms, and so might surrender. But this was a Jesuitical Stratagem, contriv'd by *Rice* and *Neagle*; and, as one of them brag'd since, carry'd on without the privacy of any but the Lord Deputy, and themselves. For they were afraid of the cowardly Temper of the rest, whose Inclinations were favourable enough to the Cause, but wanted Courage and Resolution. The Scheme being thus laid, 'twas moved at Council, and took with general Applause. *Rice* and the Lord *Mountjoy* were pitch'd upon to be sent; and in the Conclusion of this Affair at Council-Board, the Lord Chief Justice *Keating* believing now that their Hopes of King *James* were over, thought to begin with the first to shew his Zeal and Affection to the Protestant Cause, and in order to that moved, that since they were resolv'd on this Method, his Excellency would put a stop to the raising of Men, which was agreed to, but not in the least observ'd.

1688.
Mountjoy
and Rice
sent to Fra.

Mountjoy and *Rice* proceed in their Negotiation, and take Shipping at *Waterford*, but before they arriv'd at *Paris*, the *French* Engineer landed at *Cork*, and from thence rid with all Expedition for *Dublin*. Then the face of things looked with a far different prospect to what they had done before, and those little Hopes which had supported the *English* till this time, did now evaporate into nothing; which put them upon a necessity of associating together, and of getting into Castles, and the best places of strength they had, for the Defence and Preservation of their Lives.

The English
rise against
the Irish.

In *Connaught*, the Lord *Kingstone* behav'd himself like the Son of so Noble a Father, whose hand the *Irish* had felt in the former Rebellion.

In the *North*, Sir *Arthur Rozen* did the like, but a Fate attended him that he could not divert. In *Munster* the *English* were thought to be more considerable than in any part of *Ireland*, both for Horse and Foot: of the latter were more than three thousand, and numbers of brave Gentlemen of gallant Courage and Resolution, and of Will enough to back it, to have drove the *Irish* out of that Province, and to have march'd thro the Kingdom; *Cork*, *Bandon*, *Kingsale*, and *Toughball* being offer'd to be deliver'd into their hands; which was so openly and indiscreetly manag'd, that it became the publick Discourse for a Month together in every Coffee-house in *Dublin*. At this time there were not seven hundred old Soldiers in the whole County of *Cork*, which forc'd *Justin Mac-Carthy* to write daily to *Tyrconnel*, that he could not hold out without a speedy supply of Men, which yet *Tyrconnel* could not spare, for he was afraid of an Insurrection in the *North*: and 'twas believ'd in *Dublin*, that if they in *Munster* had done any thing, all parts of *Ireland* had been secure in the *English* hands except *Lynster*, for that *Tyrconnel* could have spar'd none of his own Forces from himself, and the new rais'd Men then knew not the right from the left, if same be true. The fault lay but in two Men, but that being publick, time will shew it, and my Work here is to relate nothing but what there is good Authority for.

Were disarm'd
in one day
throughout
the Kingd.

Matters were now reduc'd to that extremity, that no course remain'd to preserve the *English*, but that of making their escape; for they were disarm'd in one day throughout the Kingdom, and that Order executed with so much rigour, that few Persons of whatsoever Quality were permitted to wear their Swords. In the Corporations they shut up the Gates, and suffer'd none to pass in or out without searching them strictly for Arms; and when they came to search in their Houses, under pretence that the *English* had conceal'd their Arms, they sometimes seiz'd upon what Plate or Money they could meet with during this hurly-burly,

which

which lasted for several days together : most of the Houses which belong'd to *English* Gentlemen and Farmers in the Country were violently seiz'd upon for the King's use, as was pretended, and several hundreds brought into the Corporations, which were garison'd with *Irish* Soldiers, who quarter'd upon private as well as publick Houses of the *English*, which were so full of them that they had scarce Beds for themselves to lie in. They now were in daily expectation of the landing of the late King *James*: And this possess'd them with so triumphant a Joy, that the more to discourage the *English*, they not only gave out that he was arriv'd, when there was no such thing, but rung the Bells, made Bonfires, the Mayor and Aldermen in several Corporations drinking the King's Health, and the like. But this imaginary Formality was but a Prelude to the succeeding Triumph, to the real landing of the late King. And then what they had done before in *Effigie*, or in empty show, they now perform'd substantially, and to the life. 'Tis beyond any thing of human Art to imagine, much more to describe the Greatness of their Joy at this time; and therefore I shall not attempt a Representation, which would come infinitely short of those extravagant Pageantries which were now acted. Publick Fame has already given some account of it, and to that I refer the Reader.

I have now given (as without Vanity and Ostentation I may affirm it) as true and impartial a Relation as is possible, of the design the abdicated King had from the happy Restauration of King *Charles* the Second, to make *Ireland* the Refuge (if all other Endeavours prov'd unsuccessful) for his Catholick Friends: and 'tis plain that 'twas the *French* Alliance (which he always assiduously made Court to) upon which he depended in the Accomplishment of this Intrigue. The *Irish* were very sensible of it, and since his Accession to the Crown would frequently boast, that if *England* should upon King *James*'s Death, or any other Misfortune, devolve into the Protestants hands, they made no doubt of preserving *Ireland* by the power of the *French*; and that the Prince of *Orange* (whom they always dreaded) would have his hands full at home. But that Sovereign Providence, by whom Kings reign, and Princes decree Justice, has, to the great Astonishment of other Nations, most miraculously confounded all the wicked Devices of his Adversaries, and preserv'd him to sit upon the Imperial Throne of these Kingdoms (where may he long reign) not only to maintain the true Reform'd Religion in his own Dominions, but to enlarge the best part of his Titles, *Defender of the Faith*, throughout the whole Christian World. For so indeed (whatever opinion some prejudic'd Men amongst us may have) do all the Reformed Churches of *Europe* esteem him to be.

I thought to have put a Period to this Discourse in this place, but observing the Complaints of many that are fled from *Ireland* (whose Miseries may indeed allow 'em Grains) I shall beg leave to animadvert a little as to their Mistakes in the hard Usage which they think they have receiv'd here, in not being all immediately reprim'd by the King's Bounty.

I shall not say what is too apparent of some who came from thence, and would shelter themselves among honest Men, as most of them are generally believ'd to be: yet even in this Relation, where they could not be left out without making it imperfect, some are found faulty, and yet may pretend as fair as the best.

Every day produces additional Reasons why the King cannot be too cautious in whom he confides; and 'tis to be fear'd that some of *Ireland* are not quite exempt from all Suspicion as well as others in *England*.

But then as for those whose Deserts have entitul'd them to his Majesty's good opinion, such as for their Affection to the Protestant Interest and Religion have been divested of their Substance, and are in present want, those we see are not out of his Majesty's Gracious Care, and Princely Consideration. For how many, was about to say how few, are excluded from Commands in the Army that desir'd it? Besides all that had Commands formerly, and could not be employ'd, have half Pay allow'd them for their present Subsistence. And then as for the poorer sort, his Majesty was before-hand in making Provision for them, in issuing out his Brief for a General Collection throughout the whole Kingdom; which Charity has been gratefully acknowledged by that most Reverend and Pious Archbishop of *Tuam*, in a Sermon at St. *James*'s.

His Majesty took care of those that fled from Ireland on account of Religion.

There now remains only some part of the Clergy and Gentlemen unprovided for. As for the Clergy, his Majesty graciously considering their Condition, did soon after

after his Accession to the Crown graciously order, that whatever Benefices in his Gift should become vacant, should be conferred upon them, besides the supply which the Brief affords them for the present. Hence we may observe, to what a narrow compass the noise of Forty Thousand People is reduc'd to, there being, according to the best account that is given, not Seven Hundred Men that are not, in some respect or other, competently provided for. But that I may not be thought to have incur'd a Mistake in this Computation, it must be observ'd, That a great part of the List given in to the House of Commons, are Men of Estates or Monies here in England; and tho perhaps some of those make the greatest Clamor, yet would it better become them to relieve their distressed Brethren, than to abate the Charity which the Parliament, with great Generosity and a Christian Compassion, design'd for the support of such as were really in a poor and indigent Condition. All I here say is matter of Fact, and how partially soever his Majesty's present Management may be misinterpreted by some, yet 'tis certain, that his silent but wonderful Conduct in the provision for the distressed Protestants of Ireland, ought to be engraven in Golden Characters, and not defac'd by the unreasonable Clamors of such, who would devour that which they have no want of, and consequently no just Claim and Title unto, to the apparent Injury of their suffering and necessitous Brethren, whom the Parliament have most humbly supplicated his Majesty for, who (no doubt) will in the most prudent and discreet manner, make such a provision as will bespeak his Royal Bounty and Charitable Sense of their Condition, as well as be proportionable to their pressing and great Necessities.

*An Apology for the Protestants of
Ireland, in a brief Narrative of the late Revolu-
tions in that Kingdom, and an account of the present
State thereof.*

Printed in
1699.

*Quaque ipse miserrima vidi,
Et quorum pars magna fui.*

*The Mo-
tives of
writing
this Letter.*

S. I. R.
I am urg'd by the Incentives of Love, and Gratitude for the many Obligations you have laid upon me, and by the Conscience of my own Promise, to render you an account of the late Revolutions in the Kingdom of Ireland; and to lay before you a true Scheme of the present condition of that miserable and forlorn Country. In the Performance whereof if I be necessitated to utter some unwelcome Truths, I speak your Charity to believe, it does not proceed from any design of a malicious Reflection, but from that irresistible Force that naturally attends a faithful Narration. And because the Misery of Exile and Desertion is sensibly aggravated by their cruel and unequal Censure, who neither understand the Cause, nor pity the Effects of so fatal a Dereliction of our Estates and Habitations, but severely upbraid us with an unconstrain'd, timorous and unnecessary Flight, it will not be possible to obviate such ill-grounded Cavils, or to describe the present face of Affairs, without a Retrospect on the countenance of things as they formerly appear'd.

*Ireland
flourish'd
in Ch. II.
time.*

While Charles the Second sway'd the Scepter; tho the Papists were too much countenanc'd and indulg'd, and many Hardships plac'd on the Protestants, especially in relation to the Act of Settlement, yet by the favour of Heaven upon the extraordinary Fertility of the Land, Ireland was under very auspicious Circumstances :

stances: The Church flourish'd, Trade increas'd, the Cities and Towns were every Year enlarg'd with new Additions, the Country enrich'd and beautify'd with Houses and Plantations; the Farms were loaden with Stock, and ready and quick Markets there were to vent them: The Laws had a free and uninterrupted Course, and a Standing Army was so far from being a Terror, that they were the Comfort and Security of the People. In a word, Peace, Wealth, and Plenty were become universal and epidemical, and all things conspired to a generous Emulation with our Mother and Neighbour, *England*.

But no sooner did this bright Sun set, and a new one appear'd in the Firmament, than Clouds and Vapours, Storms and Tempests arose in our Horizon, which have since broke out in Trouble and Confusion, not like to be settled and appeas'd but in a general Desolation and Depopulation of the whole Kingdom. Indeed, at first we were flatter'd with some hopes of a calm Season, by the arrival of the Right Honourable the Earl of *Clarendon*, and his Establishment in the Supreme Command; but his Commission was stinted, his Authority far short of what was allow'd to his Predecessors in that Government, and Colonel *Richard Talbot* (newly advanc'd to the ominous Title of *Tyrconnel*) openly and impudently appear'd his Comptroller and Supervisor; most unjustly and presumptuously assuming a Power to purge the Army, to devest the Officers of their Commissions, and to disband Thousands of stout well-train'd Soldiers, despoiling them of the very Coats they before paid for, and turning them off naked and bare, to beg and seek their Livelihood, treating them with great Barbarity, and in a jeering and scornful manner giving out, that he must have the whole Army of one Size, *i. e.* to be modeliz'd and measur'd by the Standard of *Rome*, and no Man to receive pay from a Popish King, but he that openly gave himself up to the avow'd Profession of Popery. Thus was an Army (not to be excel'd for their Number by any Army in *Europe*) broken without a Rout, some hundreds of Gallant Officers arbitrarily turn'd out, without the satisfaction of assigning any Cause, and in their rooms notorious Rebels and Murderers, or the Sons and Off-spring of such plac'd; the Troops and Companies fill'd with Thieves, Tories, Robbers, and Goalbirds. By which Act, as the Insolency and Inhumanity of the Papists was palpably discover'd; so the modesty, submission, and non-resistance of the Protestants was evident to the World, by their patient undergoing this Martyrdom in their Fortunes. Soon after that Noble Earl was remov'd, whose Administration was much disrelish'd by the prevalent Party, because so grateful to the Protestants (to accompany whose departure, and to avoid the Tyranny of him that was to follow, 1500 Families deserted *Dublin*.) To him succeeded the inglorious Earl of *Tyrconnel*, in his Morals an Atheist, in his Profession a Bigot, an egregious Dissembler, and if not a Coward, one over-careful of his own Safety, a lover of himself without a Rival. From whose entrance we may date the Calamities and Destruction of the Protestant Religion, and of the British Interest in *Ireland*. For having at first cull'd, and afterward quite chang'd the Army, metamorphosing Mantles into Red-Coats, Brogues into Jack-Boots, and Cow-Boys into Captains; he dispers'd his hellish Legions among all the Towns and Garisons, where the Name of the *Irish* Granadeers became as formidable as the *French* Dragons.

Next he proceeded to reform the Courts and Civil List; displacing the Privy-Counsellors and Judges, superseding the Justices of Peaces, turning out the Sheriffs, and changing the Officers employ'd in the Publick Revenue; constituting in their rooms the most inconsiderable Varlets, Men of no Honesty, Understanding or Estate, of no Skill in the Laws or Interest in their Country. It was too soon for him to attack the Church, to invade the Bishopricks, or eject the Ministers; but in every City and great Town he erected Mass-houses, re-edify'd the Frieries, made Popish Coadjutors to the Chaplains of every Regiment, and let loose a swarm of Jesuits and Regulars to infest the Land: And *Peter Manby* Dean of *Derry*, having apostatiz'd from the Religion he was bred in, degraded himself from his unction, and degenerated into a Lay-man, yet obtain'd a Patent to enjoy the Revenues of the Deanery; and all vacant Bishopricks, and other Church-Dignities, were sequester'd and apply'd to the maintenance of the Popish Clergy. To complete the Catastrophe, a *Quo Warranto*, or *Scire facias* was issued to every City and Corporation thro the Kingdom; whereof some tamely submitted to a Surrender, others were condemned upon a *Nilil dicit*: while such as pleaded, and defended their Right, had no other return for their Toil and Expences, but a

On his
Death,
Storms,
&c. follow
it.

E. of Cla-
rendon su-
peris'd by
Tyrcon-
nel.

How Tyr-
connel me-
del'd the
Army.

Who suc-
ceeds the
E. of Cla-
rendon.

His Pro-
ceedings
when Lord
Lieuten-
nant.

scornful Publication of a partial and illegal Sentence, agreed and determin'd in the Cabal before the hearing in the Court. A new Charter was sent to *London-derry*, and none made Aldermen or Burgeſſes there, but the Sons and Descendants of notorious rank Rebels. But lest the Hereticks should grow sturdy, and be in a Capacity to defend themselves against the next Massacre, a Proclamation was issued, requiring all the Officers of the Militia, both Horse and Foot, forthwith to deliver into the next Magazine all their Arms; and by this Knack, all those of the Church of *England* (for no other were of the Militia) were left naked and disarm'd. Soon after the Justices of Peace in the several Counties, were requir'd to take up all Arms from such as did not come to Church, and to render them into the next Stores; and by this Trick all the Dissenters were left utterly defenceless.

Popery triumphant in Ireland under his Government.

And now Popery began to be triumphant, the Lord Deputy and his Privy-Council (excepting a very few) the Lord Chancellor, and all the Judges except three, the Attorney General and the King's Serjeants, the Justices of the Peace, and Sheriffs in each County, except in such Places where no Papists were to be had, all violent and eager Promoters of the *Romish* Religion: The Mass publicly celebrated in every Town; the Priests marching in their Habits undisturbed; the Army reform'd to their own Cue, no Man countenanc'd, or made a Candidate for any Preferment, but he that truckled to the See of *Rome*; the Charters of all Cities, Towns and Corporations, taken away or condemn'd, and ignorant, indigent, scandalous and mean Persons obtruded upon them. Titles to Estates began to be question'd, and some unrighteous Judgments given; and what else could be expected, when Judges, Jurors, and Sheriffs, were all of one Stamp? The Protestants were daily abus'd and persecuted upon Sham-Plots, which never had an Existence or Foundation, but in the Heads of their malicious Accusers; and several Gentlemen were Imprison'd, Indicted, and Try'd for their Lives. And *Tyrconnel* was heard to say to his Countrymen (and as is reported, by direction from his Lord and Master) You have now the Sword in your Hands, the King has given you your own Country to be the Refuge of Catholics, keep it now you have it, and never suffer the damn'd Hereticks to possess it again.

Necessary then for the Protestants to look to themselves.

In this posture of Affairs, was it not high time for the Protestants to look about them, to consult their Safety, and by a timely removal to avoid those imminent Dangers that threatned them? They began indeed to be under dreadful Apprehensions; and such as wisely foresaw the approaching Miseries, and were in a Capacity to do it, withdrew themselves, their Families and Effects, into *England* and *Scotland*: by which means so great an Obstruction was made to the Circulation of Money, that there follow'd a general decay of Trade thro the Kingdom; the Tenants were render'd unable to pay their Rents, and the Landlords to subsist. Nevertheless, in all the Towns and Counties there were Multitudes, who courageously resolv'd to abide the Brunt, and with a patient Resignation to expect a Day of Redemption from the Slavery whereunto they were subjected, resolving to follow the Fate of *England*, or hoping for seasonable Relief from them. In the mean time the Prince of *Orange*, having a tender regard to the gasping Condition of the Protestant Religion, and condescending to assist the Nobility and Gentry of *England* in their Rescue from Popery, Slavery and Arbitrary Power; the Lord *Tyrconnel* publicly gave out threatening Speeches, that if the Prince did send any Forces thither, he would raise and arm all the *Irish* from sixteen to sixty, and leave all the Protestants to their Mercy. This prov'd a new and amazing Terror to the Protestants; they plainly saw, that if any Forces came from *England*, to call the Papists to account, or to support them, their Lives would be made a Sacrifice to the Fury and Revenge of the Enemy; and that if none came to their Assistance, they remain'd hourly expos'd to Rapine, Massacre and Murder. This terrible two-edg'd Consideration made such Impression on them, that abundance of Men, Women and Children, withdrew themselves, and abandon'd the Kingdom.

How Tyrconnel threatned the Protestants upon the P. of O. coming to England.

A Design to massacre the Protestants in Ireland how discover'd.

But about the beginning of *December* last a Letter was found, without a Subscription, directed to the Earl of *Mount-Alexander*, giving him a friendly Warning to take heed to himself, and positively averring a determinate Design to massacre all the Protestants thro the Kingdom, Man, Woman, and Child; and this to be perpetrated precisely on the Ninth of *December*. Copies of this Letter were immediately transmitted to *Dublin*, and dispersed in all the Adjacent Counties; and it is as incredible to comprehend, as it is impossible to express, what Operation

tion this had on the Minds of all People; who being either Eye-witnesses of the horrid Cruelties committed by the *Irish* in the last Rebellion, without the least relenting Compassion to Age or Sex; or having receiv'd an indelible Impression of their barbarous Actions from such as were Sufferers, or Spectators of them; they could by no Consideration or Arguments be rally'd into any Assurance, or be persuaded to adventure their Safety under an armed Power, or continue among those, whose Principles dispose them to the utter Extirpation of such as they account Hereticks. Hereupon a vast number of People in great precipitation remov'd into *England* with their Families (especially from about *Dublin*) leaving their Goods and Household-stuff behind them. With some it had a contrary effect, ^{Protestants in Ulster stood on their Guard:} and generally thro the Province of *Ulster*, the Inhabitants whereof began upon this Alarm to stand upon their Guard, and to keep strong Wards and Watches, resolving neither to fly, nor be surpriz'd; tho many things (not known in other Parts) contributed to their Conviction of the Reality of the intended Massacre; as the voluntary Confessions of certain Priests in the County of *Donegal*, who warn'd their Friends secretly to depart, because there was a general Massacre design'd; that the Priests were against it, but had been overvoted by the Friars. The Evidence given to a Justice of the Peace in the County of *London-derry*, that one of their Titular Deans was buying up Horses and Arms, and had declar'd, that within two or three years past he had laid out 500*l.* in buying Arms, and that he had bespoke as many Iron Chains to be Reins for Bridles, as would serve Sixty Horse (one of which Chains five yards long was deliver'd to the said Justice by the Smith that made it) The Words spoken by Father *Daly*, Guardian of the Friery at *Armagh*, who (when he heard that the Prince of *Orange* was to land in *England*) said publicly, that they might thank their Devil of a King for this, for if he had destroy'd all the Protestants when it was in his Power, they had not now call'd in the *Dutch*. But above all, the Attempt of the Papists to possess *London-derry* at that very nick of time, turn'd the Suspicion into a confident Persuasion of the Truth of what was reported. *London-derry* was then (by the Mercy of God, and the Providence of the Deputy) without any Garison at all in it, the Soldiers being a little before transported upon the Expedition into *England*: and it falling out so, that upon the very day when a Copy of the above-mention'd ^{How the Design was confirm'd.} Letter was sent to that City (namely the 7th of *December*) the Earl of *Antrim*, with a numerous Party of Highlanders and *Irish*, was on his March to possess and command that place; the Inhabitants look'd upon the Advance of so many Papists on the 7th day, to be the Prologue to the Tragedy, intended to be acted on the 9th day: and judging, that if they were once admitted, all the *Ulster* and *Conaght Irish* might draw thither, and from thence diffuse themselves thro the Province, and with great facility exterminate all the Protestants, they (by the Advice of a Gentleman in the Neighbourhood) shut their Gates, and kept them out, and by his Conduct defended the Place, till a Protestant Garison was settled in it. ^{London-derry preserv'd from being seiz'd by the Papists.}

And now the Deputy began to exert his Art, as before he had manifested his Tyrannical and usurp'd Authority; for, considering that *London-derry* was out of the Papists hands, and that the Protestants in *Ulster* were very numerous, he began to cajole and flatter them, for he secretly gave out Commissions for raising of Thirty Regiments: and having circumvented the Lord *Mountjoy* with specious Pretences of Moderation and Peace, and prevail'd with him to go on a mock Embassy to King *James* then in *France*, he condescended to certain Articles, which carry'd a shew of Mildness and Equity, but really were only a Mask to cover his Designs, and to amuse the People; and they were to this effect. 1st. That no more Forces should be rais'd, nor more Arms deliver'd out of the Stores. 2^{dly}. That the new Levies should be dismiss'd. 3^{dly}. That no Forces should be sent into *Ulster*. 4^{thly}. That no Nobleman or Gentleman's House should be made a Garison, against his Will. Which Stipulations the Deputy heartily swore to, and assur'd by many direful Imprecations. No sooner was the Lord *Mountjoy* gone (who was made the Messenger of his own Fate, and carry'd *Bellerophon's* Letters with him) but the Deputy proceeded to form a new Army, and gave out Commissions for many Regiments of Horse, Dragoons, and Foot, to the number of 40000 Men, without any other Warrant than a bare Letter from his King; emptied all the stores and Magazines, and furnish'd the Soldiers with competent Arms, encouraging the Women and Boys, and the whole Rabble of People to provide Skeens and half-Pikes, and to live upon the Plunder of the Protestants: and having no Pay to give among the new Levies, each Captain undertook to give Subsistence to his

Men in Beef and Meal for three Months; and this they borrow'd from the Protestants, daily robbing them at Noon-day, and carrying away their Sheep and Cattel in Flocks and Drovers. And when he had rais'd a formidable Army, and very well knew how naked and defenceless the Protestants were (having twice before disarm'd them) he began palpably to discover how exact and punctual Observer he intended to be of his Oaths and Promises; and by the following Letters from *Dublin* you may see how he began to handle those that were in his Clutches.

The miserable State of the Protestants about Dublin.

S I R,

DUBLIN is surrounded for Thirty Miles about, with Popish Forces newly rais'd, and some of the Standing Army; all the Avenues to it are stopt and guarded: So that it is not possible to move, or travel Five Miles, without being stopt and examin'd, and for the most part disarm'd, dismounted, and pillag'd. The City is fill'd with Soldiers, Troopers, and Dragoons, to the number of 30000. These are quarter'd upon private Houses, as well as publick, and more expected daily. Most Protestants within Forty Miles of *Dublin* are pillag'd, rob'd, and disarm'd; the Trees and Plantations cut down, and themselves expos'd to the Mercy of Tories, Robbers, and Servants, who are now inlisted in the Army. We believe they are so every where else, but cannot have an account, because all Letters are open'd, examin'd, and stopt, that bring any Intelligence (by the Government) that do not please the Papists; only by chance we hear from some places, and find they are us'd like those nearer. There is no Trade, Business, or Money stirring in *Dublin*, but every body expos'd to the Mercy and Insolence of the Soldiers; and when Complaint is made to the Government, there is no Redress or Help. All the Forces rais'd, have no Money, nor a Possibility of being paid, and therefore must be left to do as they do all at present, to plunder and pillage whom they please; when they have done in the Country, and destroy'd all, as they have very near done already, they will then fall a plundering the City, which we daily fear and expect. By order of the Lord Deputy, the County of *Meath*, and *West-Meath*, are disarm'd, and their Horses taken from them: they are doing the same in the County of *Dublin*.

They have mark'd all the Stables in *Dublin*, and can take all their Horses in an hour; and it's hourly expected that they should disarm every Protestant, which they will certainly do when they are a little stronger.

They are daily baking Bisket in the Castle for the March of an Army; they have provided, as it is said, Field-pieces: As soon as they have disarm'd *Dublin*, it is like they will march into the North, to subdue the Protestants there. They in probability intend to surprize them, and in order thereunto take up all Horses, without regard to whom they belong; nay, they threaten not to leave so much as a Hackney: by which means they may be able to fet 10000 Men on Horse-back, and march as far as *Armagh* or *Newry* in two or three days. They stop all Intercourses with the North, both by Sea and Land; and hope to come on them unawares. It is therefore necessary for the Protestants in the North, to be ready at a day's warning to receive them; to guard well all the Passes of the Mountains, and fortify them as well as they can; to make ready Provision of Meal and Ammunition for the Field; and if no Ammunition be come to them, to send Ships immediately, and Money to bring it, otherwise they may be upon them.

The Popish Army will have the whole Country, from *Armagh* to *Dublin*, to supply them; and they can have Ammunition and Provision come to them when they please, and will not stay for them, only so much as may be for present use.

They are bringing Gentlemen into Plots, and trying them upon Popish Oaths, by Popish Judges and Juries; so they have serv'd Captain *Philips* of *Mullingar*, and Mr. *Bowen* the Collector, who are to be try'd next week at *Mullingar*, and will probably be found guilty and executed. This will only be a Leading Example to try and condemn other Gentlemen.

Every body able to remove, is going from hence; there is no body to head the Protestants if there should be occasion. There are Warrants against most of the considerable Men. People are so intermix'd, and so near the Government, that they dare not so much as meet, much less discourse any thing appertaining to the common Safety. If therefore the Protestants have no Help from abroad, their Ruin is unavoidable.

Feb. 22. 1688.

†

S I R,

S I R,

ALL the Streets in *Dublin* are beset with 16000 Men, all their Houses are search'd by Dragoons, and all their Horses taken; the Lord Mayor and Aldermen went this day through the City, commanding all Protestants, by four of the Clock, to bring in their Arms to the Parish Church; and if they left so much as a Bionet not brought in, if upon search any were found, that House should be expos'd to the Mercy of the Soldiers.

Houses of Protestants in Dublin search'd for Arms.

Dated Feb. 25. 1688.

The Protestants in *Ulster* taking notice of these Proceedings, and truly judging that their Destruction was approaching, and that they could only expect *Ulysses's* Fate, to be last devour'd, they began to rouse themselves into some Preparations to oppose a sudden Surprize, and with stout Hearts, but weak Hands, to assemble, and stand upon their Guard; and in the Eastern Counties of *Down* and *Antrim* to form an Association, to raise Troops and Companies to secure the Frontiers, and to prevent the Incurfions of the Enemy. But as their Preparations were hasty, and no way competent to their Necessity; so their Retreat was as precipitate and dissonant from their Resolutions. The Deputy having got together a vast Army, the Protestants in *Dublin* and the adjacent Counties being disarm'd and dismounted those of *Munster* and *Conaught* plunder'd and pillag'd of all their Goods, Horses, Sheep, and Cattel; he sent down a Body of 15000 Men into *Ulster*, under the Command of *Richard Hamilton*, whom he constituted Lieutenant-General of the Army; and (out of a design, partly to terrify, and partly to delude the desponding Protestants, who hitherto had kept up their Spirits in a daily expectation of Relief from *England*) he made use of a Presbyterian Minister, who had great influence upon those of his Persuasion, whose Number in the North was very considerable; and oblig'd him to write this following Letter to the Right Honourable the Lord Viscount *Massareen*, a strenuous Asserter of the Protestant Interest, and by it the greatest Sufferer in that Province; Copies whereof were immediately dispers'd thro the several Counties.

Those of Ulster stand upon their Defence.

Loghbricklan, March 9. 1688.

My Lord,

ON the 6th Instant I was introduc'd by my Lord *Granard* into my Lord Deputy's Presence in the Castle of *Dublin*: I have his Pass to come and go thro and back from *Ulster*; and tho I have not his Excellency's direct Commission, yet I will assure you I am at least permitted by the Lord Deputy to acquaint the Chief, and others of those of the *Ulster* Association with his Discourse to me, which was to the effect following, to wit:

A Letter from a Presbyterian Minister to the Ld Viscount Massareen, writ by Order of Tyrconnel.

'First, That his Excellency doth not delight in the Blood and Devastation of the said Province: but however highly resents their taking and continuing in Arms, the Affronts done by them to his Majesty's Government thereby, and by some Indignities done to the late Proclamation of Clemency issued and dated ———.

'Secondly, Notwithstanding whereof, he is willing to receive the said Province into Protection, provided they immediately deliver up to his Army, for his Majesty's Use, their Arms and serviceable Horses, and provided they deliver up to his Excellency these three Persons, viz. if they remain in the Kingdom, and may be had.

'Thirdly, And for further manifestation of his Design to prevent Blood, is he willing to grant safe Conduct even to the said three Persons, or any other of their Party, to and from his Excellency, and to and from Lieutenant General *Hamilton*, Commander of part of his Army, hereafter mention'd, if they intend any peaceable and reasonable Treaty: But withal will not, upon the said account, or any other, stop the March of the said part of his Army, no not for one hour. And if it shall appear in such Treaty, that they took up Arms merely for self-preservation, then he will pardon even the said three Persons also; but is hopeless that any such thing can be made appear, seeing that many of them have already accepted and receiv'd Commissions from the Prince of *Orange*, and display his Colours in the Field, as his Excellency is credibly inform'd.

'Fourthly,

An Apology for the Irish Protestants.

‘ *Fourthly*, If these Terms be not immediately agreed to, he will with a part of his Army fight them; which part he intends shall be at *Newry* on *Monday* the 11th of this Instant; which will from thence march to *Belfast*, and from thence to *Colerane* and *Londonderry*, as his Excellency intends: And that the Country *Irish*, not of the Army, Men, Women, and Boys, now all arm’d with Half-Pikes and Bionets, in the Counties of *Cavan*, *Monaghan*, *Tyrone*, *Londonderry*, &c. will, upon the approach of the said part of the Army, and Resistance thereto made, immediately enter upon a Massacre of the *British* in the said Counties; which Force and Violence of the Rabble his Excellency saith he cannot restrain, and fears it may be greater than in 1641. These are the Heads of what I can offer to you from his Excellency’s own Mouth: But I intend to be at *Hillsborough* to night, and there stay for this night; where, if you think fit, I shall fully discourse with you of all the Particulars; whereof, I hope, you will give immediate notice to all chiefly concern’d in your County and Neighbourhood, for gaining of Time. I have sent this Express, that your Lordship may give Advertisement by Express to all such as your Lordship thinks convenient. I shall add no further, till I have the Honour to see your Lordship.

Your Lordship’s Obedient Servant,

Alex. Osbourn.

This Letter was receiv’d at *Antrim* the same Night; and immediately the following Answer was return’d by the Earl of *Mount-Alexander*, Lord *Massareen*, &c.

The Lord
Viscount’s
Answer.

‘ We declare the utter abhorrence of the Effusion of Blood, and that we will use all proper Means to avoid it; but cannot consent to lay down our Arms, which we were forc’d to take up for our own Defence, nor to part with our Goods by any other than legal Means; and that we are ready to appoint Persons to treat on such Heads as are consistent with the Safety of our Religion, Lives and Liberty.

Now to convince all Mankind, that this specious Message sent by Mr. *Osbourn*, dated *March 9. 1688.* (who came with all speed from *Dublin*) was only a Sham and Delusion plotted by the Deputy to amuse the poor Protestants, and cast a Mist before their Eyes, that they might not see their approaching Destruction, behold the Proclamation dated at *Dublin, March 7. 1688.* wherein he had decreed the Ruin of *Ulster*, and the exemption of so many Persons from Mercy.

By the Lord Deputy and Council,

March 22. 1688.

TYRCONNEL,

Tyrcon-
nel’s and
Council’s
Proclama-
tion against
the Prote-
stants of
Ulster.

‘ **W** Hereas several Persons in the Province of *Ulster*, and the Town of *Sligo*, in this his Majesty’s Kingdom, have entred into several Associations, containing no less Offence than High-Treason; and thereupon form’d themselves into several Parties, dividing and marshalling themselves into several Regiments, Troops and Companies, marching well arm’d up and down the Country, to the great Terror of the King’s Liege People, in manifest breach of the Law, and of the Peace of this Realm: And having resolved within our selves to prevent the Effusion of Blood as long as it was possible, by using all peaceable Means to reduce the said Malefactors to their Obedience, have of late issued a Proclamation, setting forth the said Disorders, requiring all the said Parties to disperse, and repair to their several Habitations and Callings, assuring every of them of his Majesty’s Pardon and Protection. And whereas we find the said Offenders, instead of complying with our said Proclamation, still to

An Apology for the Irish Protestants.

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perſiſt in their Wickedneſs, by continuing in actual Rebellion, breaking of Priſons, and diſcharging of Priſoners, ſecur'd by due Courſe of Law, for Robberies, Felonies, and other heinous Crimes; by ſeizing upon his Maſteſty's Arms and Ammunition, imprifoning ſeveral of his Maſteſty's Army, diſarming and diſmounting them, killing and murdering ſeveral of his Maſteſty's Subjects; pillaging and plundering the Country, and daily committing ſeveral other Acts of Hoſtility. And finding no other way left to ſuppreſs the ſaid Rebellion, We the Lord Deputy have cauſ'd a Party of his Maſteſty's Army, under the Command of Lieutenant General *Richard Hamilton*, to march into the Province of *Ulſter*, to reduce the Rebels there by force of Arms; the Conſequence whereof cannot but be very fatal to that Country, and the Inhabitants thereof, and will inevitably occaſion the total Ruin and Deſtruction of that part of his Maſteſty's Kingdom: the Conſideration whereof hath given us great Diſquiet and Trouble of Mind; that a Country well planted and inhabited, ſhould now, by the Inſolency and traitorous Wickedneſs of its own Inhabitants, be brought to Ruin or Deſolation; which we are ſtill willing to prevent, if any Spark of Grace be yet remaining in the Hearts of thoſe Conſpirators; hereby declaring, notwithstanding the many Affronts by them put upon his Maſteſty's Government, notwithstanding the ſeveral Acts of Hoſtility by them hitherto committed, that if they will now ſubmit and become dutiful Subjects, his Maſteſty's Mercy ſhall be extended to them, excepting the Perſons hereafter excepted. And in order thereunto, We the Lord Deputy and Council, do ſtrictly charge and command all ſuch Perſons in Arms in *Ulſter*, or the Town of *Sligo*, forthwith to lay down their Arms; and that the principal Perſons amongſt them now in the North, do forthwith repair to Lieutenant General *Richard Hamilton*, and deliver up to him their Arms and ſerviceable Horſes, and to give him Hoſtages as an Assurance of their future Loyalty and Obedience to his Maſteſty; and that all their Adherents do deliver up their Arms and ſerviceable Horſes to ſuch Perſon or Perſons as he the ſaid Lieut. General *Richard Hamilton* ſhall appoint to receive them. And we do alſo further charge and command all the principal Perſons of other Commotions and Inſurrections in *Sligo*, to repair forthwith, either to us the Lord Deputy, or to Colonel *Mac Daniel* at the *Boyle*, and deliver up their Arms and ſerviceable Horſes, and to give Hoſtages as Security for their future peaceable Deportment, and their Adherents to lay down their Arms, to be deliver'd up, together with their ſerviceable Horſes, to the ſaid Colonel *Mac Daniel*: We the Lord Deputy hereby giving ſafe Conduct to ſuch of them as will ſubmit according to this our Proclamation. And we do hereby further declare, That ſuch of the ſaid Perſons as ſhall give Obedience to theſe our Commands, except the Perſons hereafter excepted, ſhall have his Maſteſty's Protection, and Pardon for all paſt Offences relating to the ſaid Commotions and Inſurrections: but in caſe they ſhall be ſo unhappy as to perſiſt in their wicked Deſigns and treaſonable Practices, We the Lord Deputy do hereby command all his Maſteſty's Forces to fall upon them wherever they meet them, and to treat them as Rebels and Traitors to his Maſteſty. Yet to the end the Innocent may not ſuffer for the Crimes of the Nocent, and that the Committals of Human Acts may be prevented, we do hereby ſtrictly charge and command his Maſteſty's Army, now upon their march to the *North*, and all other his Maſteſty's Forces, that they, or either of them, do not preſume to uſe any Violence to Women, Children, aged or decrepid Men, Labourers, Plowmen, Tillers of the Ground, or to any other who in theſe Commotions demean themſelves inoffenſively, without joining with the Rebels, or aiding or aſſiſting them in their traitorous Actings and Behaviours. But in regard *Hugh Earl of Mount-Alexander*, *John Lord Viſcount Mazareen*, *Robert Lord Baron of Kingſton*, *Clotworthy Sherington Eſq*; Son to the Lord Viſcount *Mazareen*, *Sir Robert Colvill*, *Sir Arthur Rowden*, *Sir John Magill*, *John Hawkins*, *Robert Sanderſon*, and *Francis Hamilton* Son to *Sir Charles Hamilton*, have been the principal Actors in the ſaid Rebellion, and the Perſons who advis'd and fomented the ſame, and inveigled others to be involved therein; We think fit to except them out of this our Proclamation, as Perſons not deſerving his Maſteſty's Mercy or Favour.

Given at the Council-Chamber of *Dublin*, March 7. 1688.

A. Fytton, C. Granard, Limerick, Bellew, Will. Talbot, Tho. Newcomen, Rich. Hamilton, Fran. Plowden.

Sends an
Army a-
gainst 'em,
upon which
they fly be-
fore it.

To London-
derry, &c.

The Deputy (who till now had never kept Faith, Truce, or Promise) was strict and punctual to his Word; for he sent down his Army at the time, and to the place appointed, meeting with no Resistance (the Protestants being unprovided of Arms and Ammunition, and not able so suddenly to embody themselves, or stem the Torrent that was ready to overwhelm them) but what was made by Sir Arthur Rowden, who at the head of 200 Horse gallantly oppos'd them; till finding it impossible to dispute the Passage of so great an Army by so inconsiderable a Force, he made a hasty, but honourable Retreat, with the loss of a very few Men: and being met by some Companies of Foot, who were marching on (but too late and too slowly) to second him, they also retreated, but in some Disorder; which being observ'd by the Inhabitants of *Lisburn*, they began immediately to fly toward *Antrim*, the People of which place being struck with Amazement at so unexpected an Adventure, betook themselves to Flight also; and so rolling on from one Town to another, the Country was universally seiz'd with a panick Fear and Consternation, hurrying their Wives and Children toward the Sea Coast, leaving their Goods in their Houses, their Stock in the Fields, and taking no care but to preserve their Lives. In this Confusion and Fright the poor Souls fled to *Londonderry*, and would have gone further, if the Sea had not stopt them. To take upon me to describe the Horror of this Revolution, the most deplorable State of the People, the Misery, Poverty, and Distress of many thousand good Families, and the utter Desolation of a most fruitful and well peopl'd Country, would engage me in a Task, which no Pen can sufficiently express, nor no Art render credible or intelligible. Let it suffice, that I tell you in a word, there is not this day a Protestant in the Kingdom of *Ireland*, that has a Gun to defend him, a Horse to carry him, a House to shelter him, or Stock to sustain him; except such as have been deluded, or (missing of a timely Escape) necessitated to accept of Protections (which will avail the unfortunate Compliers no longer, than till the *Irish* become Masters of the whole) or else such as are confin'd within the Walls of *Londonderry*, who by extraordinary Courage, whetted by Despair, have resisted a powerful Army (grown insolent by an uninterrupted Success) to the astonishment of the Besiegers, and the shame of those that deserted them. And lest any Protestant should continue Master of his own House, or evade an open Compliance with the Papists, they found a Device to reduce them to the Misfortune of this Dilemma, either to surrender all they had to the merciless Invaders, or be prosecuted as Rebels for making Resistance (which unchristian course they had before practis'd thro the Province of *Munster*) to which purpose they sent Summonitory Letters to the Proprietors, in one Line threatening, and in another wheedling, and so puzzling them with a fatal Irresolution, till either by open Assault, or by the close Mine of a Protection, they became Masters of their Wishes. I will give you only one for an Instance, sent by Colonel *Gordon O Neil*, Son of that Arch-Rebel Sir *Pbelim O Neil*.

The Sum-
monitory
Letter to
Prote-
stants.

BY virtue of an Order granted to me by *Richard Hamilton Esq*; Lieutenant General of his Majesty's Forces in the Province of *Ulster*, to grant Protections to all such as will submit themselves, and lay down their Arms, and peaceably live in their own Dwellings;
These are therefore, in his Majesty's Name, to require all Persons so inclin'd to come in to me, and they shall be protected in Body and Goods.
I do hereby summon the Garrison of *Dauson's-Bridge* and *Magbreselt* to lay down their Arms, or then to be proceeded against as Rebels to his Majesty, and to be prosecuted accordingly.

Given under my hand, at *Duneeen*, this twenty first of *May*, 1688.

Gordon O Neil.

I had almost forgot to take notice to you how craftily and treacherously the Lord *Tyrconnel* proceeded during these Transactions. For pretending to stand in dread of an Invasion from *England*, (tho by the Sequel it is more than probable he had better Intelligence from thence) he over-aw'd and constrain'd some considerable Persons to abuse the Ministers of State with a false Representation; others he plainly threaten'd, That if they did not write to their Friends in *England*, to dissuade them from sending over any Forces, he would expose the Protestants, without Mercy or Distinction, to the Fury of the Soldiers, and the Mercy of the

Rabble.

Rabble. And as for the ingenious Conceit of the Protections, it has prov'd a mere Cheat, and a Trap to insnare credulous People; I will give you one for a Precedent.

I Richard Hamilton, Lieutenant General of his Majesty's Forces in Ulster, do hereby receive into his Majesty's Protection, the Body and Goods of James Hunter of Ballymenagh, in the County of Antrim, Teoman; and do promise and oblige my self, That none of the Army shall molest, or hurt him, or take any thing from him.

The Popish Protections granted to Protestants were cheat.

Given under my hand, at the Camp, March twenty seventh, 1689.

Richard Hamilton.

The poor protected Man being thus noos'd returns to his House, and follows his Labour; but anon down come the Rabble, like an Inundation of Goths and Vandals, sweep all before them, and leave nothing behind them, but a naked starved Family: The wretched Man makes his Address to his Protector, and receives only this cold Comfort, I did promise to protect you from the Army, that none of them should offer you any Violence; but I have no Power to restrain the Rabble.

Let us now reflect upon what has been said, and briefly re-capitulate the pressing Exigences, the imminent Extremities, and unavoidable Dangers to which the poor Protestants were subjected: and then I will appeal to any Man of Sense, that is not a bigotted Papist, whether they had not just and undeniable Reasons to seek their Escape from the impending Persecutions, and to take Sanctuary in England, Scotland, and the Isle of Man.

When the Sword was taken from the Earl of Clarendon, because he favor'd the Protestants; and put into the Hands of Tyrconnel, because he was a furious Patron of the Papists; was it not high time for considerate Men to foresee the dismal Consequences, and to avoid them by a leisurely Recess? When the Officers of the Army were turn'd out, and the Soldiers disbanded, merely because they were Protestants: when the Majority of the Privy-Council, the Judges, Justices of Peace, Sheriffs, and all other Civil Officers, were avow'd and professed Papists: when subtle Jesuits, mercenary Priests, and begging Friars swarm'd thro the Land, and crept into all Houses and Families, and the Idolatrous Mass was allow'd to beset up in every Town: when the Corporations were superseded, and none admitted to Magistracy, or Freedom, but the scum of the Vulgar, and the spawn of Rebels: when the Act of Settlement began to be canvassed, and Mens Titles to Estates and Properties were prostituted to the prejudicate Verdict of such Jurors, pack'd by such Sheriffs, and the partial Sentence of such Judges, who all concur in accounting it a meritorious Service to weaken and destroy the Hereticks; Was it not a rash Madnes, for any who had Opportunity and Ability to remove themselves, to continue under the licentious and arbitrary Humors of such a Government? But when Men began to see how they were reduc'd to a Necessity of suffering, whether any Succours arriv'd to them from England, or whether they were delay'd; they had no Election to make, but to contrive an Escape from their Cruelty, or their Revenge. When Men were every where alarm'd with a Design of a general Insurrection, and universal Massacre, he that was so hardy as to overlook this without a Concernment, must have an unusual Portion of Wit to conduct his Courage. For my part, I am so far from wondring that so many affrighted Persons should prefer an incommodious and insecure Passage by Sea, to so hazardous and terrible an biding upon Land, that I admire at the insensible Stupidity of those who stay'd behind. And now the Deputy having added 40000 new rais'd Men to a Standing Army, 50000 of the Rabble being furnish'd with Skeens and Half-Pikes, animated and secretly sworn by the Priests to extirpate all Protestants, making it a National as well as a Religious Quarrel (as appears by the Motto in their Standard set up at the Castle of Dublin, Now or never, Now and for ever) the Protestants in Munster and Conaght turn'd out of their Houses, despoil'd of their Goods, and slaughter'd of their Cattle; all Arms and Horses taken from those in Dublin and Ulster; a powerful and irrag'd Army falling into the Bowels of Ulster, ravaging without Check or Control; the naked, stript, and unarm'd People, flying before them, to seek a Shelter in London-derry, which could not contain the hundredth part of those that retreated to it; there was nothing to be done (to escape sudden Destruction by the Sword, or a lingering Death by Famine) but to fly

Protestants had need to seek for refuge when the Papists were so prevalent.

over Sea, and preserve Life, which was all that was left them. As for the more unfortunate Remnant of the poor Protestants, who being either gull'd and intrapt by Protections, and reserv'd for Slaughter, or else deny'd a Licence to transport themselves, that they may indure the Misery, and at last receive the Wages of Slaves and condemn'd Persons (which assuredly will happen, whensoever the Conquest of the Kingdom shall be compleat, and the Government devolv'd on the *French*, or perhaps so soon as an Army from *England* shall land there for its Rescue) they are surrounded with such poynant Circumstances of Sadness and Sorrow, that my heart bleeds for them: and tho I dare not trust to the Compassion or Prayers of those hard-hearted Men who find fault with us for coming away; yet I leave it to their Judgment to determine, whether their condition be not more desperate and deplorable, who have staid behind.

May the good People of *England* see, and be convinc'd (by the dismal Examples of *Ireland*) what would have been their Portion, if Popery had prevail'd, and a Popish King continu'd to reign over us. May they never be deceiv'd by that impracticable Paradox, That the *English* Nation and the Protestant Religion can subsist, or be in Safety, under the Administration of *French-men*, and the Dominion of a Papist.

I have now wearied your Patience, and eas'd my own Thoughts. It shall be your Fault, if I be not always,

May 27. 1689.

Sir, Your most humble Servant.

The SPEECH of Mr. Johnston, afterwards Secretary of State, &c. for Scotland, to the Elector of Brandenburg, now King of Prussia, when he invested him with the Garter from the late King William III. June 6. 1690.

May it please Your Electoral Highness.

NOTHING excites in Men the desire of Glory so much as signal and lasting Marks of Honour. For to noble and generous Minds, Honour is certainly the greatest Reward; and such Marks are the most acceptable Parts of it, to wit, a publick Acknowledgment that Men deserve it.

Of these Marks, the most eminent have been appropriated to Chivalry. Religion hath its Treasury above. Justice and the other peaceable Virtues, without Arms, would be of little or no use. Therefore Military Glory, as most necessary, hath been prefer'd to all others; besides, it is requir'd with greater danger, and is founded on nobler Passions.

Amongst all Incitements to it, nothing has proved so effectual as the Institution of the Orders of Knights Companions and Brethren.

Such Orders do engage Princes, by the strictest Ties of Honour, to give in their own Persons an Example of Military Virtue; and prove also the highest Encouragement imaginable to follow it: For by these Fraternities they descend from their Greatness, and consent that brave and gallant Men should be brought into a sort of Equality with themselves.

*Order of
the Garter
the most
antient.*

Amongst Military Orders, there are none that can dispute either Antiquity or Dignity with that of the Garter, which may indeed be call'd the Mother-Order; for the other great Orders have sprung out of this Root, being form'd upon the Model of it.

Such Institutions, like other things of the same nature, in their first Conceptions use to be imperfect, and calculated for receiving the Reformation that Time only brings: But the Rules of this Order were from the beginning so well digested, that they have admitted of few or no material Changes.

Rules of it have admitted of few Changes.

To the Antiquity and Wisdom of the Institution, I may add the Chastity of the Order: The Knights have at no time exceeded the first Foundation of twenty six, contrary to the fate of other Orders, of which none have supported their Dignity as this hath done, considering jointly the small number, and singular eminency of those that have been of it, viz. Four hundred ninety seven only. And yet amongst these, there have been eight Emperors (of whom two, *Sigismund* and *Charles* the Fifth, went to *England*, and receiv'd it there, so much did they value the Honour of being of it) Forty five Kings, including those of *England*; and above Sixty Princes, for the most part Sovereigns; not to mention that the others generally deserv'ing to be Princes, were therefore by the Order in a manner made such.

The Kts of the Order never exceeded 26.

The Qualities of *Edward III.* who founded this Order, gave a peculiar Lustre to it; he was the greatest and bravest Prince of his time, in the Opinion of all others, as well as of the *Germans*, who first made him Vicar-General of the Empire, and afterwards offer'd him the Imperial Diadem.

K. Ed. III. gave a Lustre to it.

He claim'd the Crown of *France* as his just and lawful Inheritance, and studied by the Institution of this Order, to engage the most martial Spirits of the Age in his Quarrel. It was with his Garter that he gave the Signal at the Battle of *Cressy*; remembring, it seems, that which was reported of one of his Predecessors, *Richard I.* That he had upon a like Occasion, with great Success, made use of a Garter. In this Battle the whole Power of *France* fell before him; upon which Augury he made the Garter the chief Sign of the Order. *Richard I.* is also said upon such an account to have had the same design. Besides, a Garter is the Symbol and Badg of Unity, and therefore most proper to signify those Bonds of Amity and Affection into which all the Companions were to reckon themselves knit.

Why he instituted the Order.

He delighted much in Devices, and chose for the Device of the Order these words, *Honi soit qui mal y Pense*; in *English*, *May he be asham'd that thinks ill* (or does not approve) of it: That is, either of the Order it self, or of his Title to the Crown of *France*, which gave occasion to the Institution.

The Device of it.

He made *Blue* the chief Colour, that being the Colour of the Field of the Arms of *France*, which, with the Title he had about that time assum'd, himself and his Successors have ever since us'd: Besides, *Blue* denotes the Sublime and Celestial Temper of those who were to be of the Order. The Pilgrims that return'd from the *Holy Land*, brought over such an account of *Saint George* (then the *Christian Mars*) particularly of Tutelary Care of the *English* in that War, that according to the Persuasions of those Times, he made him the Patron of the Order, as well as of the Nation.

Why Blue was chose for the Colour.

He wisely consider'd that other Sovereign Princes might think it a lessening of them, to come into an Order subject to the Laws and Government of *England*; therefore he intirely separated its Concerns, and made it a distinct Body, with Seals and Officers, and Statutes peculiar to it; over which the Seals and Laws of *England* have no sort of Authority.

The Laws of England have no Authority over it.

This is the Order, *Sir*, so deservedly famous over all Christendom these Three hundred and forty Years, of which we have now the Honour, in the Name of the King our Master, to present your Electoral Highness the Ensigns. The same Order which his Highness, your Illustrious Father, desir'd so much, and receiv'd as a great Honour done him, and to which he did great Honour: He wore it in a time of Action, when the Fate not only of the *North*, but of the whole Empire, nay, I may add, of all *Europe*, turn'd according to the Measures that he took, and which is more, turn'd often with the Approbation of all good Men. It was thus that he run his Career, which he finish'd with a Happiness that might be call'd the obtaining of the Prize, if that were to be done here; for he went off, being full of Honour and Years, in Peace and Quiet, belov'd and esteem'd by the better part of Mankind, leaving behind him the only two Things to be left, a great and good Name, and a glorious Successor.

The Elector of Brandenburg's Father earnestly desired the Order.

It is also the same Garter, as well as the same Order, with which we are to invest your Highness. This I should call a happy Omen, that the Order is still to receive

The present Elector's Worthiness the of it.

the same Honour: But your Highness hath not left the World to Divination and Conjecture; you have begun your Government in a way worthy the Son of such a Father, and already given Mankind real Instances of that which they may expect. And now this Day you are to put the Order in possession of the Honour which you have, as it were, advanc'd to it, and to which the Order hath a natural Claim; your Highness having acquir'd the same, as the Founder did his, by defeating the antient Enemies of both Nations. For this Reason, I suppose, the King my Master, as well as for doing your Highness greater Honour, hath sent you a Sword amongst the Ensigns of the Order, which hitherto was never done to any other.

The Order was instituted for carrying on a War against France.

Sir, nothing is more evident, than that this Society was instituted for carrying on a War with France; in which War the Emperor, the Princes of *Brandenburg, Bavaria, Lorain*, and many others, were engag'd by a Confederacy with the Founder of this Order, as your Highness and others their Successors, are now with the present Sovereign of it. It seems in all Ages it hath been the Wisdom of Great Princes to have no other thing to do with that Crown. Sure that which hath happen'd in this Age, doth not alter the Case; nay, the present Confederacy is a Demonstration, that it is the Sense of Mankind, that the Publick Quiet can be no longer secur'd by the Faith of Treaties; and therefore, that a firm Peace is only to be obtain'd by a hearty War: For Men that having enrich'd themselves by Violence, are fallen in love with it, will love on till they lose by it; and then it will be seasonable to trust to Treaties, when the incapacity such Men shall be in to break them, will be Surety for their keeping them.

The Work of a true Hero is to relieve the Distressed, &c.

Edward the Third design'd a Conquest, and succeeded in it: But there is here place for yet a more Noble Design, that of a Redemption. The Work of a Hero is not to mind his own Business only, much less to do hurt, to plunder the World with *Alexander*, or ruin his own Country with *Cesar*; but to do good chiefly to others, to chain up the Disturbers of the Publick Peace, to set Bounds to Exorbitant Power, and the Will of Man; and so to deserve the Blessings of those that were ready to perish. All this the King, my Master, hath done, by redeeming his own Country from Ruin, and other Countries from the danger of it, in suffering them to become his own: Thus endeavouring every where to stem the Inundations of the present Times, as his Ancestors did those of theirs.

But to this, not only the Example of the Sovereign Invites those of the Order, but the Order it self, in a particular manner, engages them, *Pugnare pro jure & tuitione oppressorum & indigentium*, To fight for the Relief of the Poor and the Oppressed.

Humanity, &c. require it.

This, Reason, Humanity, common Christianity, and Interest too, require of all Men, much more of Princes, that are to act as God's Vicegerents, who glories in nothing oftner than in his firm Purposes to avenge and protect Widows and Orphans, and such others the innocent, tho' unfortunate part of Mankind, to wit, by commanding, without exception, all those that have Power to do it, to punish their Oppressors.

Doing Good to others our Duty.

Thus it is here, That a Capacity to do good, not only gives a Title to it, but makes the doing of it a Duty. It is strange, That among Christians in all Times there should have been some who doubted of this, and have had narrower Thoughts of Heroical Enterprizes, than either the Jews or Heathens had; nay, of whom some have believ'd all War to be unlawful, since the Design of Christianity was to exalt our Natures to a higher and sublimer pitch of Perfection, and not to stifle and undo, with specious Pretences, that which is most commendable in them, the Inclinations and Ties we may have to do one another good.

The Jews of old had so noble an Opinion of such Performances, that they imputed them to Inspiration; they thought, that without extraordinary Assistances, Men had neither Goodness nor Largeness of Soul sufficient for them.

It is true, several among them endeavour'd thus to defend the Irregularities that sometimes did accompany such Actions, and suppos'd an express Order from God as necessary to justify them. Yet Rules and Laws are Means for obtaining the Ends which they relate to, and in that relation cannot be too well observ'd; but they are not the Ends themselves which must still be pursu'd, tho' in another way, if the ordinary way fails. No doubt the Letter of the Law, that upon great Occasions opposes it self to the Publick Safety, which is intended by all Laws, must needs be the Letter that kills. This those high Pretenders came at last to understand (and to fight even on their Sabbaths) tho' their Laws were given them by

God;

God; and that it was their Humour to swallow Camels, and strain at Gnats; to let go the Substance of the Law, and perish in defence of the Letter of it. The true standing Character in all Ages and Nations, and ordinarily the Fate too, of weak and warm, and obstinate (tho often well-meaning) Men.

Those Jews are much more in the right, who ascribe great Events more particularly to God, because of that which is singular (as well as of his Concern) in them. Thus they would, no doubt, judg of the late Revolution in Britain, where we have an illustrious Example of such sort of Events. In which the concurrence of great Dangers, of an unexpected Opportunity to be deliver'd from them; of the Capacity and Circumstances of the Deliverer, as if they had been given for this End; of the evident infatuation of those whose Interest (and in whose Power) it was to have prevented it; of a multitude of mere Accidents previous and absolutely necessary to it, which by Human Wisdom could neither have been foreseen nor procur'd; of a Chain and Coincidency of various, and often in appearance cross Events; yet, in effect, so well agreeing with the Methods resolv'd on, that Divine Goodness and Human Prudence seem to have had a Correspondence: All this, with the sudden vanishing of Difficulties that had appear'd, in a manner insuperable, and a Success worthy of the Care of Providence (such as History cannot parallel) without Blood, Danger, or Disorder; so that the Publick Peace and Quiet seem'd rather not interrupted than restor'd, as if no change had happen'd, except in our Hearts and Thoughts: All this, I say, does compleat an Event so much above the ordinary Course of things, that whoever believes that God does at all concern himself in Human Affairs (much more such as believe that the Hairs of our Heads are numbred) must needs conclude, that this whole Business was (to speak so) laid and concerted by him. *Sed præstat de Carthagine, ut aiunt, filere quam pauca dicere.* And therefore to return to my Subject.

The Heathens went yet further in doing Honour to the Authors of such great Undertakings; they thought they could not do too much to encourage Men to venture upon them: And therefore upon such Accounts they deified their Hero's; Men seem'd to them in the performance so like their Gods, that they could not abstain from honouring the Copies with the Names of the Originals. The Heathens consider'd the Publick Good that was done; for as their Hero's became their Gods for chastising Oppressors, in their Opinion the Enemies of Mankind, so others became their Hero's for destroying Monstrous Beasts of the same Temper; if we may not rather believe, as no doubt we may, that the Poets, the Historians of those Times, meant Men (and to them gave the other borrow'd Name, as more proper than their own) whose Souls, by Success in their Passions, were become as monstrous as they describ'd the Shapes and Voracity of those Beasts to have been.

Sir, how Great and Noble Thoughts would those Jews and Heathens have of the present Undertaking in which the King my Master, your Electoral Highness, and so many other Princes are engag'd: An Undertaking, such as Human Nature requires, where Honour, and Duty, and Interest go hand in hand together: And the most necessary thing to be done, is the greatest and best thing that can be done.

In particular, it is an Undertaking that will transmit your Highnesses Name glorious to Posterity: for you first gave Life and Motion to it, by saving the Town of *Cologne*, and that whole Electorate, by taking *Keiserswert*, *Rhinberg* and *Bonn*; by routing the Forces sent to assist them, and so delivering the *Lower Rhine* from the Chains that in time must have prov'd those of the Empire.

Sir, You have thus out-done the Enemy in Diligence, their most commendable Quality, if it were well employ'd: You have overcome them where they themselves, and others too, think them most invincible, behind Walls: You have defeated their Troops, neither by Number nor Surprize; Advantages are to be taken, but it is greater not to stand in need of them.

Thus your Highness hath begun the War, where it must end, with Victory, and taken to your self a share in it futable to the Dignity of your Family, and the Importance of the Conjuncture, which gave your Highness the Opportunity to signalize the beginnings of your Government by doing the Publick such eminent Services: as if Providence, in compliance with the Integrity of your Intentions, took care, that no sooner you should be in a Capacity to do Good, but that the Publick should require and receive the Benefit of it; to signify to your Highness,

Highness, that the Good of the Publick ought to be the end of your Greatness; and to others, That it is the end, and will be so.

*War with
France at
this time
absolutely
necessary.*

Sir, The great Power that God has put in your hands, can at no time be better employ'd. Without controversy, the Peace and Happiness of Europe, during this Age, depends upon the Success of this War.

All Laws, Divine and Human, of Peace and War, the Fences of the Publick Safety, are broke thro; those eternal Dictates of Reason, the Obligations of Honour, Humanity, Oaths, Promises, Religion, as well as the Customs of Nations, which the Necessities of Human Affairs have rendred inviolable, and without which the great Society of Mankind can no more subsist, than private Societies can without Rules and Laws: All these have been openly and avowedly trampled on.

Now if the Ambition, and other Passions of Men that have done such things, have carry'd them so far, notwithstanding the just apprehensions which, no doubt, they had of a general Resentment; whither will the same Passions not carry them, if the present Confederacy should happen to be frustrated, and there should remain nothing more for them to be afraid of?

But better things, no doubt, are reserv'd for this Age. The Chariot-Wheels of those that have ask'd Brick, and forbid Straw, begin already to move heavily. And provided the Easterly Wind continue to blow steddily, and neither little private Interests (sure little in comparison) nor certain Points of Honour (only tolerable when innocent) disorder the present Harmony, the Event is infallible.

*Union be-
tween K.
William
and Elec-
tor of Bran-
denburg,
tends to
the reduc-
ing of
France.*

Sir, Nothing can contribute more to this than the happy Union that is between the King my Master, and your Electoral Highness, which puts his Majesty, and your Highness, in the best Circumstances imaginable for preventing or removing Differences.

This, among other Reasons, gives ground to hope, that the Confederacy is not to be broke, since the Union I speak of cannot be dissolv'd. It is strong, by all that is Sacred amongst Men, the Ties of Honour, Religion, Blood, Friendship, Obligations, Engagements, and I may add, of the same Interests and Designs with relation to the Publick.

To so many Ties it may seem there needed no addition of a new one. But his Majesty was resolv'd not to lose any opportunity of giving publick Instances of the great Affection and Esteem that he hath for your Electoral Highness: And the Knights Companions were unanimously of Opinion, That his Majesty could not better dispose of the greatest Honour that he can give, than by sending it to your Electoral Highness; from whom the Order may expect the greatest return of Honour that it can at present receive.

Reasons

Reasons and Protestations entred in the House of LORDS,

23 March, 1688.

5 April, 1689.

20 ----- 1689.

25 May, 1689.

Die Sabbati 23 Martii, 1688.

Hodie tertia vice lecta est Billa. *An Act for the Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths.* Before the putting of the Question, a small necessary Clause was added at the Table.

A Member of the House offer'd a Clause to be added as a Rider to this Bill, which was read as followeth, viz.

And to the end that no Person may be induc'd to take the Sacrament of the Lord's Supper, upon any other account than in Obedience to the Holy Institution thereof by our Blessed Lord and Saviour; which nevertheless (with the taking of the Oaths hereby abrogated) is appointed to be receiv'd, to enable any Person to bear any Office, or Employment of Trust, by an Act of King Charles the Second, intituled, *An Act for preventing Dangers which may happen from Popish Recusants*: It is therefore provided, and further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons taking the said Oaths, and making the Declaration by the last recited Act appointed, to be capable of, and to use and exercise any Office, Employment, or Place of Trust, or receive any Pay, Salary, Fee, or Wages from his Majesty, that within one Year next before, or within one Year next after his Admission or Entrance thereinto, or of his having such Pay, Salary, Fee or Wages, hath receiv'd, or shall receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, in any Protestant Congregation; altho such Person shall not receive the said Sacrament, at such Times, and in such Manner as is appointed by the said Act, made in the 25th Year of King Charles the 2d. And such Person who hath receiv'd, or shall receive the said Sacrament, as is hereby mention'd, shall not incur any Penalty whatsoever, for not receiving the Lord's Supper according to the said recited Act, made in the 25th Year of King Charles the Second, any thing contain'd in the said Act to the contrary thereof in any wise notwithstanding; so as a Certificate be deliver'd of the said Person's having receiv'd the Sacrament of the Lord's Supper, under the Hands of the Minister and two other credible Persons, Members of such Protestant Congregation, where such Person receiv'd the said Sacrament; and that Proof shall be made of the Truth thereof by two credible Witnesses at the least upon Oath: Which Certificate so prov'd, shall be inquir'd of, and put upon Record, in his Majesty's Court of Chancery, or Kings-Bench, or at the Quarter-Sessions for the County, or Place where he shall reside.

And the Question being put, *Whether this Rider in Parchment, now brought in, shall be made part of this Bill?* It was resolv'd in the Negative. *Past in the Negative.*

Leave was given to such Lords, as will, to enter their Dissents; and these Lords do enter their Dissents, in the Reasons following.

1. Because

Reasons for
the Diſſent
to the Ne-
gative.

1. Becauſe it gives great part of the Proteſtant Freemen of *England* reaſon to complain of Inequality, and hard Uſage, when they are excluded from publick Employments by Law: and alſo, becauſe it deprives the King and Kingdom of divers Men, fit and capable to ſerve the Publick in ſeveral Stations; and that for a mere Scruple of Conſcience, which can by no means render them ſuſpected, much leſs diſaffected to the Government.

2. Becauſe his Maſteſty, as the common and indulgent Father of his People, having expreſſed an earneſt deſire of Liberty for tender Conſciences to his Proteſtant Subjects; and my Lords the Biſhops, having divers of them, on ſeveral Occaſions, profeſſed an Inclination to, and own'd the Reaſonableneſs of ſuch a Chriſtian Temper: We apprehend it will raiſe Suſpicion in ſome Mens Minds of ſomething elſe than the care of Religion, or the Publick, and different from a Deſign to heal our Breaches, when they find that by conſining Secular Employments to Eccleſiaſtical Conformity, thoſe are ſhut out from Civil Affairs, whoſe Doctrines and Worſhip may be tolerated by Authority of Parliament, there being a Bill before us by order of the Houſe to that purpoſe; eſpecially when without this excluſive Rigour, the Church is ſecur'd in all her Privileges, and Preferments, no body being hereby let into them who is not ſtrictly conformable.

3. Becauſe to ſet Marks of Diſtinction and Humiliation on any ſort of Men, who have not render'd themſelves juſtly ſuſpected to the Government, as it is at all times to be avoided by the Makers of juſt and equitable Laws, ſo may it be particularly of ill effect to the Reform'd Intereſt at home and abroad in this preſent Conjunction, which ſtands in need of the united Hands and Hearts of all Proteſtants, againſt the open Attempts, and ſecret Endeavours of a reſtleſs Party, and a potent Neighbor, who is more zealous than *Rome* it ſelf to plant Popery in theſe Kingdoms, and labors with his utmoſt Force to ſettle his Tyranny upon the Ruins of the Reformation thro' all *Europe*.

4. Becauſe it turns the edg of a Law (we know not by what Fate) upon Proteſtants, and Friends to the Government, which was intended againſt Papiſts, to exclude them from Places of Truſt, as Men avowedly dangerous to our Government and Religion. And thus the taking the Sacrament, which was injoin'd only as a means to diſcover Papiſts, is now made a diſtinguiſhing Duty amongſt Proteſtants, to weaken the whole by caſting off a part of them.

5. Becauſe Myſteries of Religion, and Divine Worſhip, are of Divine Original, and of a Nature ſo wholly diſtant from the Secular Affairs of Politick Society, that they cannot be apply'd to thoſe Ends; and therefore the Church, by the Law of the Goſpel, as well as common Prudence, ought to take care neither to offend tender Conſciences within it ſelf, nor give offence to thoſe without, by mixing their Sacred Myſteries with Secular Intereſts.

6. Becauſe we cannot ſee how it can conſiſt with the Law of God, common Equity, or the Right of any Free-born Subject, that any one be puniſh'd without Crime. If it be a Crime not to take the Sacrament according to the Uſage of the Church of *England*, every one ought to be puniſh'd for it, which no body affirms: If it be no Crime, thoſe who are capable, and judg'd fit for Employments by the King, ought not to be puniſh'd, with a Law of Excluſion, for not doing that which is no Crime to forbear.

If it be urg'd ſtill as an effectual Teſt, to diſcover and keep out Papiſts; the taking the Sacrament in thoſe Proteſtant Congregations where they are Members, and known, will be at leaſt as effectual to that Purpoſe.

OXFORD.

W HARTON.

R. MOUNTAGUE.

J. LOVELACE.

MORDANT.

W. PAGETT.

Die Veneris 5 Aprilis, 1689.

Amendm.
to a Bill for
uniting the
K's Prote-
ſtant Sub-
ject, paſſ'd
in the Neg.

THE Houſe reſum'd the Debate of the Report of the Amendments made by the Committee, in the Bill for uniting his Maſteſty's Proteſtant Subjects.

The Clause in Conſideration was concerning a Commiſſion to be given out by the King to the Biſhops, and others of the Clergy; and after ſome Debate it came to this Queſtion, *Whether theſe Words [AND LAYMEN] ſhall be added.*

The Question being put, the Votes, with the Proxies, were equal; then, according to the antient Rule in like Cases, *Semper præsumitur pro negante.*

Leave was given to any Lords to enter Dissents: And accordingly these Lords following do enter their Dissents, in the Reasons ensuing.

1. Because the Act it self being, as the Preamble sets forth, design'd for the Peace of the State, the putting the Clergy into Commission; with a total Exclusion of the Laity, lays this Humiliation on the Laity, as if the Clergy of the Church of England were alone Friends to the Peace of the State, and the Laity less able, or less concern'd to provide for it. *Reasons for a Dissent from it.*

2. Because the Matters to be consider'd, being barely of Human Constitution, viz. The Liturgy, and Ceremonies of the Church of England, which had their Establishment from King, Lords Spiritual and Temporal, and Commons assembl'd in Parliament; there can be no reason, why the Commissioners for altering any thing in that Civil Constitution, should consist only of Men of one sort of them; unless it be suppos'd that Human Reason is to be quitted in this Affair, and the Inspiration of Spiritual Men to be alone depended on.

3. Because tho upon Romish Principles the Clergy may have a Title alone to meddle in Matters of Religion, yet with us they cannot, where the Church is acknowledged and defin'd to consist of Clergy and Laity; and so those Matters of Religion which fall under Human Determination, being properly the Business of the Church, belong equally to both: for in what is of Divine Institution, neither Clergy nor Laity can make any Alteration at all.

4. Because the pretending that Differences and Delays may arise by mixing Lay-men with Ecclesiasticks, to the frustrating the design of the Commission, is vain and out of doors; unless those that make use of this pretence, suppose that the Clergy-part of the Church have distinct Interests or Designs from the Lay-part of the same Church; and will be a Reason, if good, why one or other of them should quit this House for fear of obstructing the Business of it.

5. Because the Commission being intended for the Satisfaction of Dissenters, it would be convenient that Lay-men of different Ranks, nay perhaps of different Opinions too, should be mixt in it, the better to find Expedients for that end, rather than Clergy-men alone of our Church, who are generally observ'd to have all very much the same way of reasoning and thinking.

6. Because it is the most ready way to facilitate the passing the Alterations into a Law, That Lay-Lords and Commoners should be join'd in the Commission, who may be able to satisfy both Houses of the Reasons upon which they were made, and thereby remove all Fears and Jealousies ill Men may raise up against the Clergy, of their endeavouring to keep up, without grounds, a distinct Interest from that of the Laity, whom they so carefully exclude from being join'd with them in Consultations of common Concernment, that they will not have those have any part in the Deliberation, who must have the greatest in Determining.

7. Because such a restrain'd Commission lies liable to this great Objection, That it might be made use of to elude repeated Promises, and the present general Expectation of Compliance with tender Consciences, when the providing for it is taken out of the ordinary Course of Parliament, to be put into the Hands of those alone, who were latest in admitting any need of it, and who may be thought to be the more unfit to be the sole Composers of our Differences, when they are look'd upon by some as Parties.

Lastly, Because after all, this carries a dangerous Supposition along with it, as if the Laity were not a part of the Church, nor had any Power to meddle in matters of Religion; a Supposition directly opposite to the Constitution both of Church and State: which will make all Alterations utterly impossible, unless the Clergy alone be allow'd to have Power to make Laws in matters of Religion, since what is establish'd by Law, cannot be taken away or chang'd but by Consent of Lay-men in Parliament, the Clergy themselves having no Authority to meddle in this very case in which the Laity are excluded by this Vote, but what they derive from Lay-hands.

WINCHESTER. MORDANT. LOVE LA CE.

I Dissent for this and the other Reasons.

Because it is contrary to three Statutes made in the Reign of Henry VIII. and one in Edward VI. which impowers two and thirty Commissioners to alter the Canon

and Ecclesiastical Laws, &c. whereof sixteen to be of the Laity, and sixteen of the Clergy.

STAMFORD.

20th Apr. 1689.

A Conference on Amendments to the Bill for abrogating the Oaths.

THE Lord Godolphin reported the Effect of the Conference with the House of Commons, concerning the Amendments sent down from this House in the Bill for abrogating the Oaths of Allegiance and Supremacy, which he said was manag'd by Sir George Treby, who said that the Commons do agree to their Lordships first Amendment, but they cannot agree to the rest of the Amendments.

Because it hath been the Policy of the Common Law, and the Statute Law, to oblige Men to swear Allegiance to the King.

Allegiance is the common and necessary Duty of all Subjects, and is most strictly to be requir'd of Arch-Bishops, and Bishops, and those who have Ecclesiastical Dignities, Benefices or Promotions, in regard they are highly intrusted in the Administration of the Government, draw great Dependences, and are exemplary to the rest of the People; and several of them are by Law to administer the Oath of Allegiance to other Persons.

Allegiance is also strictly to be requir'd of all Governors, Professors, and Fellows in Universities, and School-Masters, because to them the Education of the Youth of the Kingdom is committed, and therefore they ought to be Persons of known Loyalty and Affection to the Government.

The taking the Oaths publickly in open Court will better manifest Allegiance than the taking them privately, before Persons appointed by Order in Council, and will be much more safe for the Persons who are oblig'd to take the Oaths.

The best and most certain means to have the Oaths taken, is to impose them upon the Persons concern'd, to tender themselves to take the said Oaths under Penalties: But if the Oaths are not requir'd to be taken, unless tender'd, the said Persons might by Absence and otherwise avoid the taking them with Impunity.

The Clause which the Commons sent to your Lordships, allows more Favor to the Arch-Bishops, Bishops, and those that have Ecclesiastical Dignities or Promotions, than to any Lay-Peers, or any Persons having Offices or Employments; and is more gentle in the Penalty than the Statutes heretofore made in the like Case.

It is unreasonable and unsafe to distinguish the Arch-Bishops, Bishops, and Persons having Ecclesiastical Dignities, Benefices, or Promotions, and such as are intrusted with the Education of Youth, from the rest of the Subjects, in the Declaration of their Allegiance: And may tend to make a Division in the Kingdom, and may raise and countenance Faction both in Church and State.

It may tend to expose the King's Person and Government to Hatred and Danger, and occasion a general Discontent.

After this the House was adjourn'd into a Committee, to debate and consider of the Reasons of the House of Commons. The House being resum'd, The Earl of Bridgewater reported to the House, That after a long Debate in the Committee, it came to this Question, *Whether to agree with the House of Commons?*

It was carry'd in the Negative.

Then the Question was put, *Whether this House should agree with the Committee?*

It was resolv'd in the Affirmative.

Leave was given to such Lords as would to enter their Dissents: And accordingly these Lords following do enter their Dissents, in the said Reasons ensuing.

The Bishops, and Clergy, not to be excus'd from taking the Oaths of Allegiance.

Reasons why the Bps and Clergy are not to be excus'd from the Oath of Allegiance.

1. Because by the same Reason that any part of the Subjects may be excus'd from giving Assurance of their Allegiance and Fidelity to the Government, all may; and the Government will be left perfectly precarious.

2. Because the Clergy, and especially the Bishops, receiving their Benefices, Dignities, and Preferments from the Publick, ought to be first and forwardest, both

both by their Doctrine and Example, to teach others their Obligations, to be zealous in preserving the Government, as well as the Religion establish'd by Law.

3. Because the pretence of Scruple and Tenderneſs of Conſcience can have no other Foundation in the preſent Caſe, but the Suppoſition of ſome former Obligation, no one ever ſcrupling to give all manner of Pledges of his Allegiance, where he thought it due. Thoſe therefore that ſcruple ought the more to be preſſed, and the ſooner brought to the Teſt, unleſs any one can think it reaſonable the Government ſhould favor, incourage, and indulge thoſe who will not give the uſual Security they are not Enemies to it.

4. Becauſe, however the King may, that part of the People, who have ſworn Allegiance to him, cannot have reaſon to be ſatisfy'd when they ſee another part of the Nation under looſer Obligations to the Government than they; nothing being ſo apt to raiſe Fears, Jealouſies, and Diſorders in a State, as unneceſſary Diſtinctions, or any Cauſe or Suſpicion of want of Unanimity or Fidelity amongſt themſelves in the great Concernments of the Kingdom, eſpecially in the Titles of Crowns, and at ſuch a time as this, when we are entering into War with a potent Enemy who openly owns and ſupports a contrary Title.

5. Becauſe it will diſcourage our Allies, and give them a lower Opinion of our King's Intereſt in his People, or Authority over them, than is for the Advantage of this Kingdom in particular, or the Proteſtant Religion thro' Europe, when they ſhall underſtand, That thoſe that are look'd on to be the Directors of other Mens Conſciences, cannot bring their own to acknowledg him in this firſt and fundamental Act of Obedience: and what muſt they conclude when they hear that the Parliament hath diſpens'd with ſuch an exemplary part of the Nation in a Buſineſs of ſuch moment?

6. Becauſe it may be of ill Conſequence if the Parliament ſhould ſet any thing like a Mark of Diſaffection to the Government on the *Sacred Order*, by allowing them now a Diſpenſation from taking a very moderate Oath of Allegiance, who in a late Reign were too forward and zealous by Addreſſes, preaching and promoting new Oaths, to carry Loyalty and Obedience to Monarchy to a pitch unknown to our antient Laws, or former Ages.

7. Becauſe there being no other Assurance of any one owning himſelf a Subject to any Government, but either acting under, or ſwearing to it; it is very neceſſary that thoſe who forbear to act, ſhould of all others be moſt ſtrictly requir'd to take the Oaths, that the Publick might have that Security of their Allegiance from thoſe that reſuſe the other.

8. Becauſe 'tis unreaſonable that for a part of the Clergy, the whole Laity and Clergy ſhould be expos'd to the Inconvenience of want of Juſtice, and the Dangers of Diſorders for want of Settling the Militia; the renewing of all Commiſſions being delay'd to the great Prejudice of the Government, and the People; till this Act be paſt: and therefore we do not ſee why this Houſe ſhould not comply with the Commons in the preſent Neceſſity, tho' their Vote ſhould be hard on a part of the Subjects: Whereas the utmoſt can be pretended in this caſe, is only contending for an extraordinary Favor, and an unheard of Allowance, to ſome ſcrupulous Men.

9. Becauſe it is what neither Hiſtory can parallel, nor any Policy juſtify, to allow any part of the People who claim Protection from the Government, to be excus'd from giving the common and neceſſary Assurances of Allegiance and Fidelity to it; and it is hard to think how any one that intends to be faithful to it, ſhould come ſo near renouncing the Government, as to deſire to be diſpens'd with from being under the ſame Ties with others their Fellow-Subjects.

MONMOUTH. MACCLESFIELD.

On the Vote for Affirming the Judgment against *Titus Oates*.

Die Sabbati 25 May, 1689.

WE dissent for these Reasons.

1. For that the Kings-Bench being a Temporal Court, made it part of the Judgment, That *Titus Oates*, being a Clerk, should for his said Perjuries be devested of his Canonical and Priestly Habit, and so continue devested all his Life; which is a matter wholly out of their Power, belonging to the Ecclesiastical Courts only.

2. For that the said Judgments are barbarously inhumane and unchristian, and there is no Precedent to warrant the Punishments of whipping and committing to Prison for Life for the Crime of Perjury, which yet was but one part of the Punishments that were inflicted upon him.

3. For that the particular Matters upon which these Indictments were founded, were the Points objected against Mr. *Titus Oates* his Testimony, in several of the Trials in which he was allow'd to be a good and credible Witness, tho' testify'd against him by most of the same Persons who witness'd against him upon these two Indictments.

4. For that this will be an Incouragement and Allowance for giving the like barbarous, illegal, and cruel Judgments hereafter, unless this be revers'd.

5. Because Sir *John Holt*, Sir *Henry Pollexfen*, the two Chief-Justices, and Sir *Robert Atkins* Chief-Baron, with six Judges more (being all that were then present) for these and many other Reasons, did before us solemnly deliver their Opinions, and unanimously declare, That the said Judgments were contrary to Law and antient Practice, and therefore erroneous, and ought to be revers'd.

6. Because it is contrary to the Declaration of the 12th of February last, which was order'd by the Lords Spiritual and Temporal, and Commons then assembl'd; and by their Declaration engrossed in Parliament, and inroll'd among the Records in Parliament, and recorded in Chancery, it does appear that Excessive Bails ought not to be requir'd, nor excessive Fines impos'd, nor cruel and unusual Punishments inflicted.

**BOLTON. VAUGHAN. OXFORD.
MACCLESFIELD. STAMFORD. BATH.
J. BRIDGWATER. GRET. REURE.
BOLINGBROOKE. CORNWALLIS. P. WHARTON.
HERBERT.**

An Account of the Sessions of Parliament in Ireland, 1692.

THIS Kingdom having been ever since the Year 1665 without a Parliament, to the great Discouragement and Prejudice of the Protestant and *Irish Protestants pleas'd with having a Free Parliament.* English Interest here: It is not to be wondred, if the first Report of a Parliament, graciously design'd by their present Majesties to be held the latter end of this Year, imploy'd the Thoughts and Discourses of all Protestants, and fill'd them with Desires to see so good a Design put in Execution, which was expected at the Lord Lieutenant's Arrival. His * Excellency landed on the twenty fifth day of *August*, and Writs were immediately issu'd for a Parliament to meet on the Fifth of *October* following. ** Lord Sidney, afterwards E. of Rumney.*

Every body began then more closely to consider and inquire, as well what could be, as what was likely to be done in this Parliament.

It was not doubted, but their Majesties Occasions in this Kingdom wanted Supplies of Money, which People were generally and chearfully dispos'd to comply with; but the Answer of one of his Excellency's Secretaries to a Member of the House of Commons a few days before the Parliament sat, was a little unaccountable, That there were no other Bills design'd to be tender'd to the House this Session, but only Three, viz. An Act of Recognition, an Act for confirming the Acts of Settlement and Explanation; and an Act declaring all Attainders, and other Acts of the late pretended Parliament, void: tho at the same time another Gentleman belonging to the Council declar'd, that other Bills would be then also tender'd, namely, An Act for confirming the Articles of *Limerick* (the first Article of which, if confirm'd, would make Popery an Establish'd Religion; and the Sixth would deprive all Protestants of their Actions against the Papists, by whom they were plunder'd, even while they liv'd in Peace with them) and also Money-Bills. A Member of the House of Commons (then present when this was openly spoken) answer'd, that the House would consider well of those Acts before they pass'd them; but the same Person reply'd, that it would be in vain to trouble themselves about it, assuring them they were as well debated already as was needful, and they had nothing else to do but to pass them; and added, that if any Scruple was made about them, there would never again be a Parliament in *Ireland*. *What was propos'd to be done therein.*

These and such-like Discourses common in Town, took off the Pleasure and Satisfaction People had in the hopes of a happy Issue of this Parliament.

On *Wednesday* the 5th of *October*, the Parliament being met, and the Commons sent for up to the Lords House, his Excellency was pleased to declare in his Speech to their Majesties Command to him of calling this Parliament immediately after his Arrival, and their Goodness in restoring to this Kingdom a Blessing of which it had for so many Years been depriv'd, a legally Constituted and Assembled Parliament, by the long intermission of which, the *English* in this Kingdom had been in great danger of losing both their Religion and Liberty; and invited them with many grateful Arguments to pass such Laws as might settle and secure them both for the future; concluding with a Demand of a Supply, and Promise of representing their Services well to their Majesties. *Ld. Lieut. Speech to the Parliament.*

The Commons being return'd to their House, proceeded to chuse their Speaker; Sir R. Levinge chosen Speaker of the House of Commons. and several of the Members having been inform'd that his Excellency would be well pleas'd with their Choice of Sir Richard Levinge their Majesties Solicitor General, the House came soon to a Resolution in it; those that were propos'd for it having before (at his Excellency's desire) wav'd their own Pretensions thereto; and both they and others who have since lain under the displeasure of the Government, us'd their utmost indeavours in the House for effecting it: so that Sir Richard was chosen

chosen Speaker, without those Heats that had been so frequent and violent in former Parliaments in Ireland.

The time of presenting him put off, and why. The Speaker being chosen, the Members took the Oaths, and subscrib'd the Declaration appointed by the *English Act*, and then adjourn'd to *Friday* the 7th; on which Day his Excellency had directed them to present their Speaker. They then met, but were inform'd that his Excellency was indispos'd, and could not come to the House of Lords; an Address therefore being made to him to know his further Pleasure therein, he was pleas'd to appoint *Monday* the Tenth for that purpose.

The House having receiv'd this Answer, a Motion was made that the Members who were return'd for several Places, might have leave in the mean time to make their Election for which Place they would serve, and that Warrants thereupon may issue, and several Precedents in the Point were urg'd for it; but it was oppos'd, because the Speaker thought not fit to act before his Approbation, to the delay of Publick Business almost three Days.

'pprov'd the Lord Lieuten. On *Monday* the 10th, the Lord Lieutenant came to the House of Lords, and approv'd the Speaker.

The Commons vote an Address to him for his Speech. The Commons being return'd to their House, an Address of Thanks was immediately voted to his Excellency for his Speech, and a Committee appointed to meet the same Afternoon to prepare it; and lest the time spent in preparing it should be interpreted to proceed from want of Respect, it was voted that the Members of the House that were of the Privy Council, should attend his Excellency in the Afternoon, and acquaint him with the said Vote: and on *Tuesday* following the Speaker, attended by the whole House, presented the said Address.

Some days spent in determining Elections, &c. The rest of this Day, and of *Tuesday* the 11th, was spent in determining the Choice of Members doubly elected, in appointing Grand Committees, and in expelling a Member for betraying the Protestant and *English* Interest, which took up some time and debate in the House.

On *Wednesday* the 12th, besides the House receiving Petitions about undue Returns, &c. the Act of Recognition, being sent down from the Lords, was thrice read, and pass'd, with a Vote, that no other Bill afterward should be read more than once in a day.

Debates about their Letters being frank'd *Thursday* the 13th was taken up partly in receiving the Submission of the fore-mentioned expel'd Member, and discharging him out of Custody; and partly in debating the Privilege of the House about Post-Letters. It had been first mov'd on the 10th, but one of the Secretaries then acquainting the House, that his Excellency would take care to issue an Order to the Postmaster for franking them, the Debate was let fall. And on the next Day after, the House receiv'd their Letters free, having paid for them till then; but this Day one of the Members inform'd the House, that the Order for it took place only from *Tuesday* the 11th, which was look'd upon to make the Privilege precarious, and wholly at the Lord Lieutenant's Discretion. After some debate thereupon, and urging Precedents of the King's Messengers carrying the Members Letters free before the erection of the Post-Office; it was voted for this and other Reasons, in order to assert the Privilege of the House, That it was their Right to have their Letters free: which Vote, at the Request of some of the Members, was afterwards order'd not to be printed.

Consider about a Supply for their Majesties. On *Friday* and *Saturday* the 14th and 15th, the House proceeded to take into Consideration that Part of his Excellency's Speech, relating to a Supply for their Majesties; the first Motion for it having been made, and seconded on *Friday* by some of them, who have since born the Marks of the Government's Displeasure.

One of the Secretaries laid before the House an imperfect State of the Revenue for the ensuing Year, and Copies affirm'd of the Establishments Civil and Military; and inform'd them that his Majesty (by reason of the wasted Condition of this Kingdom) intending to remit a considerable part of the Quit and Crown Rents, a Sum of 64500 l. was necessary to supply the Deficiencies of the Revenue for a Year, beginning the 25th of *March* 1693.

The granting of a Supply hereupon came to be fully debated; the great Poverty of the Kingdom, in almost all the parts thereof, and the vast Quantities of Land untenanted, and absolutely waste, and the inability of most Persons to pay even the standing Revenue of the Quit Rent was represented; as likewise the

great Obligations both of Duty and Gratitude which this Kingdom lay under to their Majesties, and the grateful Sense which they ought to have of the vast Expence of Blood and Treasure *England* has already been at, were recogniz'd and urg'd with their due Weight. And it was resolv'd, that nothing less than absolute Necessity should make this Kingdom a Charge to *England*. Upon the whole Matter, the House came to this unanimous Vote, That a Sum not exceeding 70000 l. should be given as a Supply to their Majesties.

Resolve a Supply not exceeding 70000 l. to be given.

On *Monday* the 17th, the House receiv'd some Reports from the Committee of Privileges, concerning Boroughs newly erected by King *Charles* the Second, which never sent Members to Parliament before this Session.

But this being recommitted, the House fell upon Debate about another Member accus'd for Crimes of like nature with the former; who on *Saturday* following being fully heard with his Witnesses at the Bar, was also expel'd.

On *Tuesday* the 18th, part of the Establishment was read in the Committee of the whole House, for considering of the Supply, as also the remaining part thereof on the *Monday* following; the Exceptions made against both, were waved.

At this time several Committees did with great Application inquire into the Imbezelmments of the forfeited Lands and Goods, which as yet had yielded nothing in proportion to what it was suppos'd they might. The Members very well knew, that both real and personal Estates, to a considerable Value, had been seiz'd in their respective Counties, and were Witnesses of the foul Practices that had been us'd in the managing and disposal of them: They knew also, that their Majesties Revenue would be made more considerable for the future, by detecting and punishing the past Mismanagements and Frauds. And accordingly the House came to a Vote on *Thursday* the 20th (*Wednesday* being the Monthly Fast) that it was a great breach of Trust, and a Grievance, for any intrusted with the management of their Majesties Revenue, to take to Farm any of the forfeited Interests.

Imbezelmments of the forfeited Lands inquir'd into.

Several things of this kind being prov'd to be done by *William C——d*, Esq; (one of the late Commissioners of the Revenue) before the Committee of Grievances (as also great Quantities of Goods, and Stock, by him seiz'd and unaccounted for) he insisted on his Privilege as a Member of the House of Commons of *England*; whereof the House being inform'd, thought fit to proceed only in taking Examinations touching matter of Fact; but would not oblige him to any Defence after his insisting on his Privilege.

Prov'd to be made by W.C—d.

The House also agreed to another Report from the said Committee, That the continuing Papists in the Army, or suffering them to have serviceable Horses or Arms, was at this juncture of dangerous Consequence to this Kingdom; and voted an Address hereupon for Remedy thereof. And being inform'd that his Excellency had caus'd divers suspected Persons to be apprehended, and several Troops to be sent down to suppress some *Irish* who were out in Arms, voted their humble Thanks to be presented to him.

Resolv'd, Papists being in the Army of dangerous Consequence.

On *Friday* the 21st, a Bill for confirming the Acts of Settlement and Explanation, which had been brought in on the 12th, and had been twice read, was, according to the Order of the Day, debated in a Committee of the whole House. It is certain, there could hardly have come a Bill to the Commons of this Kingdom with a more welcome Title than this; four parts in five of them having Estates dependant on the Acts of Settlement, &c. and therefore it will be much wondred that it should occasion any matter of Debate to them: but upon considering thereof, they could not find one Line in the whole Bill, which they could allow of, neither was there one word offer'd in defence thereof; but they declar'd it to be a Bill of such pernicious Contexture, as instead of confirming, it would have unsettled the greatest part of the Estates of this Kingdom; and several of the Members could not avoid being possessed with Jealousies, that such a Bill should be tender'd them.

Bill for confirming the Acts of Settlement &c. debated and rejected.

On *Saturday* the 22d, the Lord Lieutenant signify'd in a Message to the House, that the Session would not continue above a Fortnight longer, and therefore recommended the speedy Proceeding on such Bills as were, or should be brought before them; upon which they voted, that no more private Petitions should be receiv'd.

Ld. Lieut. Message to the Commons.

The Bill for making Attainders of the last Parliam. void, read. On Monday the 24th a Bill (which had been brought in on the 18th) for declaring all Attainders, and others Acts made in the late pretended Parliament, void, was read the first time; the Title of this was no less specious, than that for confirming the Act of Settlement, &c. but the House found it for their Majesties Service, and the Honour of the Protestants of Ireland, to preserve the Records of the Irish Barbarity; which they could not do without rejecting this Bill, because it requir'd the said Records to be taken off the File.

Then they proceeded in a Committee of the whole House, to consider of Ways to raise the Sum voted for a Supply.

Consider about a Supply to his Majesty. Two Money-Bills had been sent to the House on Saturday the 22^d, which were transmitted from England under the Great Seal there; the Constitution of this Kingdom (since Poyning's Act, 10th H. 7.) requiring, that all Bills should be so transmitted before they are passed into Laws here. One of those Bills was for an Additional Excise; and the other for a Tax upon Corn: These were order'd by the House to be laid on the Table, and not to be read till some Expedient might be found, for a Difficulty that arose upon the bringing in these Bills.

No Bill for Money is to be brought in without the leave of the Commons. It has been always conceiv'd the Original Right of the Commons, that Money-Bills should take their Rise in their House, and that as well the *Quantum*, as the Method of raising it, should be determin'd by them. The House look'd upon this to be their inherent Fundamental Right, and that the same was not taken away by any Act of Parliament in this Kingdom; as in reason they thought none could be so good Judges of the properest and easiest way of taxing the Subject as they: and even since Poyning's Act, those Rights of the House are found asserted in the Journals, on the bringing in of Money-Bills, whereof they did not prepare the Heads; and it is found to be a standing Order in the said Journals, That no Bill to tax the Subject be brought into the House without leave of the House first obtain'd.

But the House considering, that their Majesties Occasions requir'd an immediate Supply, and that probably there might not be time allow'd during this Session for Bills of their own preparing to be return'd from England, according to Form, they were necessitated to consider how to reconcile these points.

Expedients to preserve the Rights of the Commons, and to supply his Majesty. The first Expedient thought on was this: The Additional Excise-Bill, of the two, seem'd most consistent with the State of this Kingdom to be pass'd into an Act; tho the House observ'd several Matters of just Exception in it, as the Inequality of Taxing different Liquors, the Taxing of some Liquors under the notion of an Additional Duty, which had not been tax'd before, and continuing the former Incertainty of Measures. To be reliev'd against which last, a Petition of the Brewers had been prefer'd, and lay upon the Table, setting forth, that the King's Duty had been of late (by the means of Sir James Shaen, and others, the then Farmers of the Revenue, who were likewise Commissioners of the Excise, and consequently Judges for their own Advantages) levy'd by them of a Gallon of 217 Cubical Inches, tho for several years after the first passing the Act of Excise in this Kingdom, the Measure by which the King's Officers then levy'd that Duty, and by which the Brewers always have, and are now by Law oblig'd to sell, is a Gallon of 282 Inches; proposing withal such an increase of Duty to be made, as should answer the loss the Revenue might sustain by Regulation of the Measure. This Petition and Complaint, how reasonable soever it might be in it self, was not thought fit to be taken into Consideration, lest it might retard the reading and passing the said Bill.

The Expedient for passing the Excise Bill. So that Postponing this and the other Exceptions, the House thought an Expedient might be found for passing this Bill as it was, by voting first an Additional Duty exactly corresponding with the said Bill in all the parts of it: And these Heads so prepar'd, being tender'd to the Lord Lieutenant and Council, to be drawn into a Bill and transmitted, the House might receive the Bill already sent as transmitted from England, and fram'd on their Heads. And accordingly they pass'd the said Vote for such Additional Excise.

Their Votes concerning Civil Bills. On Tuesday the 25th the House receiv'd Reports from Committees, particularly concerning Civil Bills, as of late practis'd at Assizes, without any Foundation in Law, upon pretence of being a more expeditious and cheap way of recovering Debts and Damages; which the House voted to be Arbitrary, Illegal, and a Burden to the Subject; and that an Address should be presented to the Lord Lieutenant in Council, to prepare a Bill, which might answer what was of Advantage

in this practice, without oppressing the Subject, by giving an unlimited Power to the Judges.

Then by order of the day, the House resolv'd into a Committee to consider the State of the Nation; and it being propos'd, that the best means to settle this Kingdom in a lasting Happiness, would be to find out the causes of its Misery, the Committee resolv'd on, and voted (among other Reasons) these two following to be assign'd for it: First, the great countenance given to the *Irish* Papists in the Reign of K. C. 2d, and their being employ'd by the late King James. Secondly, the Obstruction of the course of Justice by illegal Protections, granted since the defeat at the *Boyne*.

The House considers the state of the Nation, votes two Causes of the Misery thereof.

A Motion was made in debate of this latter, that particulars might be instanc'd, and the Persons who granted them nam'd, to the end their Majesties might know who they were that had so much abus'd their Authority committed to them: but some scrupl'd it, because of the great Characters they bore; and the Committee soon breaking up, this was defer'd till its next sitting, which was on the 27th, and then it was only concluded (the Members being willing the Speaker should resume the Chair, in order to proceed on the Excise-Bill) to name Persons at the next sitting thereof, which was appointed on the 29th, and so from day to day. But this Committee still gave place to that for considering the Supply, and no Report was ever made to the House from the said Committee; but on November the 1st it was order'd to sit on the 4th, and nothing to intervene.

A Committee appointed to consider about illegal Protections.

Wednesday and Thursday the 26th, and 27th, were taken up in debating other Expedients; for the Difficulty mention'd on Monday, that then offer'd, not being found to answer the ends, after several propos'd, some that were mov'd by Members, who had pressed the reading of the Bill, and were suppos'd to speak what was agreeable to the Government, took place, which were to assert the Privileges of the House by a Vote, to read the Excise-Bill by order to pass it, and reject the Corn-Bill: Accordingly this Excise-Bill was thus read, and so successively every day till it was passed.

Consider about other Expedients for passing the Bill for Supply.

On Friday the 28th, the Corn-Bill, according to the former Expedient, was rejected, and the reason given, because it had not its Rise in the House of Commons.

The Corn-Bill rejected.

The House then resolv'd it self into a Committee, and proceeded to consider further of a Method to answer the Contents of the Corn-Bill by some other Tax, that their Majesties might receive the full Supply demanded.

Consider of raising Money sooner.

It was consider'd, that the Corn-Bill would have yielded no Money until Summer 1693. and part thereof not until Michaelmas following; and they thought they might by other means raise the Sum much sooner, and more equally.

The several ways of raising Money were thoroughly debated; and at length the Committee unanimously agreed on a Poll-Bill for several Reasons, of which the following was not the least. They were in hopes to have passed this Bill before the end of the Session by Adjournment, till a Bill prepar'd according to Heads agreed on by them, might have been transmitted into England, and return'd hither to be passed; this would have been an immediate Fund, which with the Excise-Bill would have amounted to much more than the Sum requir'd.

The House agrees on a Poll-Bill.

They who were for this in the House, could not suppose that these Proceedings would have been any ways displeasing to the Government.

The same day three ingrossed Bills were sent down from the Lords, viz. an Act for punishing Mutineers and Deserters; an Act for encouraging Protestant Strangers; and an Act for preventing vexatious Suits. Of these the Bill for encouraging Protestant Strangers, &c. was read, and in three days passed: And the Bill for preventing vexatious Suits was twice read, and committed to a select Committee; but it was not reported to the House at the time of the Prorogation.

Receive ingrossed Bills from the Lords.

On Monday the 31st (Saturday having been spent in the last reading and passing the Bill for an Additional Excise, and in Debates about a controverted Election) a Bill for settling a Militia in this Kingdom (which had been brought into the House on the 24th) was read the first time; but it proposing a much greater Number to be rais'd upon several Counties than there were Protestant Inhabitants in them, and lodging too great a Power in Commissioners of Array, for these and other Reasons was rejected. However, the House being sensible, that a Bill for settling the Militia would be very requisite for this Kingdom, resolv'd to consider of it on Tuesday the first of November, in a Committee of the whole House; and then came to a Vote, that

Debate a Bill for settling a Militia in Ireland, why rejected.

that a Militia by Law establish'd, was absolutely necessary for preserving the Peace of this Kingdom; and made a considerable Progress in forming it, and appointed to proceed on it again on the 3d of November.

A Committee appointed to inspect the Laws made in England necessary for Ireland.

A Committee having formerly been appointed, amongst other things, to inspect what Laws had been made in *England* since the 10 H. 7. and were fit to be enacted in this Kingdom; and the House pursuant to their Report, having voted several of them in particular to be necessary, order'd the said Committee to attend the Lord Lieutenant in Council with the said Votes, and humbly to desire that Bills might be prepar'd accordingly: but his Excellency not coming to Council on the day the House was inform'd his Excellency would be for this purpose attended there, the House on *Wednesday* the 2d order'd an Address to be made to his Excellency, to know his pleasure therein; and his Excellency thereupon was pleas'd to appoint *Friday* the 4th in the Afternoon, to be attended with the said Votes.

At the same time his Excellency was also pleas'd to accept of the Commons Address in behalf of their Chaplain, and in a most obliging manner to declare that their Address should be always acceptable to him.

A Message from the Lord Lieut. about the Bill concerning Mutineers, &c.

This day also the House receiv'd a Message from his Excellency, recommending to them the taking the Bill for punishing Mutineers and Deserters by Martial Law into speedy Consideration. This Bill was brought into the House the 28th of *October*, and had been twice read and committed. One of the Secretaries pressed, that it might be taken from the Committee, and immediately read a third time; but the House conceiving it more proper to be debated in a Committee, resolv'd accordingly, and thinking the former number thereof too few to debate a Matter of so great moment, order'd, that all that came should have Votes, and to be reported next Morning.

The said Bill rejected.

On *Thursday* the 3d the said Bill being reported with the Amendments, was rejected by the House, it containing not one fifth part of the Act made in *England* to that purpose, and the part in that *English* Act relating to the good of the Subject, and the Kingdom in general (by obliging the Officers to orderly Quarters, faithful Payment of the Soldiers, and to just and true Musters) being quite left out: And whereas the *English* Act is to continue only for one year, this was to continue for three years, and from thence to the end of the next Session of Parliament. But a Committee was then appointed to meet that Afternoon, and prepare Heads of a Bill, agreeable to the said *English* Act.

Soon after the rejecting this Bill, several of the Members were inform'd that the Parliament would be immediately prorogu'd or dissolv'd.

A large Report was then made to the House, from a select Committee, representing Discoveries of very great Consequence, drawn from the Accounts relating to the forfeited *Irish* Estates both real and personal; but the House receiving Information, That his Excellency was come to the House of Lords, this Report was order'd to lie on the Table.

The Commons sent for up to the Lords. Lord Lieut. passes several Bills.

A Message was brought by the Usher of the Black Rod, requiring the House of Commons immediately to attend his Excellency in the Lord's House.

The House accordingly went up to the House of Lords: his Excellency being seated in his Robes, gave the Royal Assent to four Bills, viz. The Act of Recognition, The Act of Excise, The Act for Encouragement of Protestant Strangers, and The Act for taking Affidavits in the Country. The Money Bill was pass'd with the usual Form, viz. that their Majesties thank their Loyal-Subjects, and accepted their Benevolence.

The House surpriz'd at their Prorogation.

The House was somewhat surpriz'd at this unexpected Resolution, having expected to sit at least the next day, and did not apprehend what Occasion they had given of Displeasure to his Excellency to put so sudden an end to the Session; when the day before he express'd himself so favourably to them, in answer to their Addresses, and assign'd them the day after this for the Committee to attend him in Council. But they were more surpriz'd to hear his Excellency charge them in his Speech, That they had not answer'd the Ends for which they were call'd together, but had behav'd themselves undutifully and ungratefully, in invading their Majesties Prerogative. A Charge of such a nature sound'd very harsh in the Ears of Gentlemen, who look'd on themselves, and the rest of the Protestants in this Kingdom, as obsequiously devoted to their Majesties Interest as any of their Subjects; a Qualification and Temper, which they knew was not likely to recommend them to those among whom they liv'd, and therefore could not, but with the highest regret and trouble, hear his Excellency

cast them off from their just Claim to the most unfeigned Dutifulness and Affection to their Majesties (which they held as dear to them as their Lives) and at the same time expose them to the Insultings of their most implacable and malicious Adversaries, who they knew were ever watchful and ready to improve all Advantages against them; who could not but look upon a Protestant Parliament with Trouble, and therefore rejoic'd to see it meet with such Treatment.

They reflected on what they had done, that could possibly occasion so severe a Censure; but his Excellency in his next Sentence, was pleas'd to clear this point to them, by referring to their printed Votes of the 27th of October, That it is the sole and undoubted Right of the House of Commons, to prepare Heads of Money-Bills; and to their rejecting a Money-Bill the next day, because it had not its Rise in their House.

This the Gentlemen of the House of Commons could not but very much admire at, considering how maturely (and with what deference to their Majesties Prerogative) those things had been debated in the House; and not only consented to, but first propos'd as an Expedient, by some, who have always both before and since comply'd with the Directions of the Government without Reserve; all the Votes relating to the Expedient, being likewise resolv'd without one Negative Voice.

But for these Reasons his Excellency declar'd, *That he thought himself oblig'd to protest against those Votes, and the Entries of them in the Commons Journals; and accordingly he did in full Parliament protest against them, and order'd the Clerk of the House of Lords to read the said Protest, and enter it in the Journals of the said House, without its being put to the Question, or voted there. And then the Lord Chancellor (by his Excellency's Command) prorogu'd the Parliament to the 6th of April next.* *Lord Lieut. protests against the Votes concerning Money-Bills.*

It must be own'd, That in this Speech of his Excellency, as it was after printed, his Charge against the House of Commons is not in so severe Terms, as those before set down, which yet were the precise Expressions as they were spoken, they making too deep an Impression in the Minds of those who heard them, to be easily forgotten. *His Speech as printed is not so severe as it was spoke.*

It may also be observ'd, that his Excellency refer'd to their printed Votes of the 27th of October, tho no printed Votes have been publicly seen since those of the 25th. But in his Excellency's printed Speech, the word *printed* is left out.

It cannot be avoided to mention here, as an effect of this unparallel'd Displeasure of his Excellency against the House of Commons, that within few days after the Prorogation, one of the Members was affronted in the Castle by Brigadier Stewart, and Mr. Watson Steward to his Excellency, with his *White Rod* in his hand, and others his Excellency's Servants, without the least Provocation. This was complain'd of by the Speaker to his Excellency, but no Satisfaction given. *Some of the Members affronted by some about the Court.*

Several of the Members were hereupon convinc'd, that those Persons who dreaded the Proceedings of the House, were, to the Misfortune of this Nation, in so great Credit with his Excellency, as to occasion the harsh Expressions us'd upon the Prorogation, and had from thence just reason to suspect that those very Persons would prevail on him to represent the Commons to their Majesties under the same unhappy Characters, which had in open Parliament been fix'd upon them; to avoid which, and likewise to prevent the Miseries threatening this Kingdom, in case their Majesties are not inform'd of the true State of this Nation, they resolv'd on the like Methods, which on several Occasions had been practis'd by the People of this Kingdom in former Reigns; and therefore desir'd Sir Arthur Rowden, Sir Robert King, Sir Arthur Langford, and Mr. Annesley (four of the Members) to deliver a Petition to his Excellency, for leave to send Agents to attend their Majesties in England. *Several Members desire leave to send over Agents to England in behalf of the House.*

This they did on the 7th of November, and his Excellency was pleas'd to say, *That his Majesty was the Protestants Agent, and they should have leave to go for England, to beg their Majesties Pardon for their seditious and riotous Assemblies: Not admitting of a Reply, but concluding, He had no other Answer to give them. The Lord Chancellor afterwards told one of them, who presented this Petition; That they had done illegally, and that it was resolv'd in Council that they should be prosecuted.* *Lord Lieutenant's Answer to them.*

Never Par-
iam. more
devoted to
their Prin-
ces Service.

In conclusion, it must be observ'd, That as here never was any Parliament more intirely devoted to their Princes Service, nor more ready to the utmost to express their Duty and Gratitude on all Occasions, so few Assemblies could have employ'd themselves more industriously and diligently for the Publick Service than they did. It might not indeed have been wonder'd, if (after so long Discontinuance of Parliaments in this Kingdom) the Members of this House had not at first fallen readily into the Methods of Business: but by what they dispatch'd in the short time of their Sitting (if the Business of the several Committees be consider'd, as well as what is recited in the foregoing Account) it must be allow'd, That they wanted neither Diligence nor Publick Spirits in laying themselves out for their Majesties Interest; their Committees sitting frequently till eleven a Clock at Night, and the House never rising before two. So that if their Services have not met with such Acceptance, as Persons so dispos'd chiefly desir'd and aim'd at, it is their Unhappinefs and the Nation's, but cannot be accounted their Fault.

A Declaration of the Sense of the Archbishops and Bishops, now in and about London, upon the Occasion of their Attendance in Parliament, concerning the irregular and scandalous Proceedings of certain Clergy-men, at the Execution of Sir John Friend, and Sir William Parkins.

The Occasion
of the De-
claration.

W E the Archbishops and Bishops, now in and about London upon occasion of our Attendance in Parliament, having seen a printed Paper, intituled, *A true Copy of the Papers deliver'd by Sir John Friend, and Sir William Parkins to the Sheriffs of London and Middlesex, at Tyburn the place of Execution, April 3. 1696.* and being also certainly inform'd of the most irregular Behavior of Mr. Cook, Mr. Collier, and Mr. Snatt, in pretending to absolve the said Criminals at their Execution, to the great Scandal of the Church, and of our holy Religion, have therefore thought our selves oblig'd to declare our Sense of the same, as here followeth.

Sir John
Friend's
Paper con-
tains things
to the Dis-
honor of the
Ch. of Engl.

1. As to the Paper before mention'd, we cannot but observe, that in that part to which Sir John Friend is intituled, among many other things there deliver'd as his private Opinion (for which we must leave him to God) there are mingl'd some things concerning the Church of England, to the great Dishonor and Reproach of it. That Venerable Name is, by the Author of that Paper, appropriated to that part of our Church which hath separated it self from the Body; and more particularly to a Faction of them, who are so furiously bent upon the restoring of the late King, that they seem not to regard by what means it is to be effected. We have a sad instance of it in this very Person, who (as was depos'd at his Trial) was privy to the horrid Design of Assassination, and yet neither discover'd it, nor shew'd any Dislike of it, but as *he was afraid it might ruin King James and his* * Affairs; and was ready also, together with others of the same Christian Principle (as the Author of his Paper is bold to call it) to act in conjunction with an Army of French Papists, for the Ruin of their Country, and the Extirpation of that Religion which they themselves do profess.

* Trial
p. 17.

What they
meant by
the Church
of England.

2. As for Sir William Parkins, who also profess'd to die in the Communion of the Church of England, We cannot think he meant any thing else by it, than that he adher'd to the same violent Faction: being assur'd (as we are by very good Information) that both he and Sir John Friend had withdrawn themselves from our publick Assemblies some time before their death. Which makes us the less wonder to find in both their Papers so light, and even favourable, a mention of that most

inhu-

inhuman Design of Assassinating his Sacred Majesty, and especially in that of Sir William Parkins, who, tho he was publicly convicted of his having engag'd so many in that horrible Sin, yet after all could think to clear himself of it with this wretched Excuse: *'Tis true, I was privy to the Design upon the Prince, but was not to act in it.* Blessed be God, there never was any of our Church, that in any Change of Times could have this laid to his Charge, that he was so much as privy to a Design of Assassination.

Lastly, For those Clergymen that took upon them to absolve these Criminals at the place of Execution, by laying, all three together, their Hands upon their Heads, and publicly pronouncing a Form of Absolution; as their manner of doing this was extremely insolent, and without Precedent, either in our Church, or any other that we know of, so the thing it self was altogether irregular.

The Rubrick in our Office of the Visitation of the Sick, from whence they took the words they then us'd, and upon which, if upon any thing in our Liturgy, they must ground this their Proceeding, gave them no Authority nor Pretence for the absolving these Persons; nay, as they manag'd the Affair, they acted in this Absolution far otherwise than is there directed.

That Rubrick is concerning Sick Persons; and it is there requir'd, *First, That the sick Person shall be mov'd to make a special Confession of his Sins, if he feel his Conscience troubled with any weighty Matter; and then, after such Confession, the Priest shall absolve him, if he humbly and heartily desire it.* But here they absolv'd, and that publicly, Persons condemn'd by Law for Execrable Crimes, without so much as once moving them at that time to make a special Confession of their Sins, at last of those Sins for which they were condemn'd. And on the other side, here were Persons absolv'd that did not humbly desire Absolution, as feeling any such weighty Matter to trouble their Conscience; but on the contrary, in Sir John Friend's Paper it is declar'd, That he had a great deal of Satisfaction in suffering for that Cause, which he firmly believ'd to be the Cause of God, and True Religion.

If these Ministers knew not the State of these Mens Souls before they gave them Absolution, as it is manifest two of them, Mr. Snatt and Mr. Cook, did not as to Sir William Parkins (they having since declar'd, that they had not spoke with Sir William till they were at the place of Execution) how could they, without manifest Transgression of the Church's Order, as well as the profane Abuse of the Power Christ hath left with his Ministers, absolve them from all their Sins?

If they were acquainted with these Mens Sentiments declar'd in their Papers, then they must look upon them, either as harden'd *Impenitents*, or as *Martyrs*.

We are so charitable to believe, that they would not absolve them under the former Notion; for that had been, in effect, sealing them to Damnation: But if they held these Men to be *Martyrs*, then their absolving them in that manner was a Justification of those grievous Crimes for which these Men suffer'd, and an open Affront to the Laws both of Church and State.

Upon the Consideration of these things, and for the doing of Right to our Church, which may otherwise suffer, among such as are strangers to our Constitution, by the evil Principles and Practices, both of the aforesaid Criminals, and the three Clergy-men that assisted them, who all pretended to be Members of the Church of England: We do declare, That we disown and detest all such Principles and Practices; looking upon them as highly Schismatical and Seditious, dangerous both to the Church and State, and contrary to the True Doctrine and Spirit of the Christian Religion. And we also take this occasion to warn and exhort all the People committed to our Charge, to beware of such Seducers, and to avoid them, lest (as the Apostle St. Peter speaks) *they be led away with the Error of the Wicked*, and fall from their stedfast Adherence to the Principles of the True Church of England, as it was establish'd at the blessed Reformation of Religion, and as by God's especial Providence it continues to this day.

April 10. 1696.

Tho. Cantuar.

Jo. Ebor.

H. London.

N. Duresme.

P. Winchester.

W. Cov. and Lich.

Tho. Roffen.

Sy. Eliensf.

Gil. Hereford.

Jo. Norwich.

Ric. Peterb.

Ed. Gloucester.

Rob. Chichester.

E. Asaph.

The REVOLUTION vindicated;

In an Answer to the two Memorials, and the Protestation against the Peace treated at Reswick, and other Papers publish'd in the late King James's Name. In which particularly the Matter of the Abdication, or the Sense in which King James is said to have abdicated, is more fully explain'd than has yet been done.

Publish'd from the Manuscript.

Grounds of K. J.'s being declar'd to have forfeited the Crown.

THE Grounds upon which the late King was declar'd to have lost his Right to the Crowns of *England* and *Scotland*, are fully laid down in the Declarations of the States of both Kingdoms. In which Declarations he is charg'd with a multitude of undeniable Matters of Fact, as so many Instances of Breaches made by him in the Constitutions of their Governments, or Proofs of his Design to subvert them.

His Design of subverting the Government, &c. how far carry'd.

In which Design he had made so great a progress towards the Dissolution of the Legal Government of *England*, that he had thrown off all Restraints of Law; and had actually dissolv'd the Government of *Scotland*, by declaring himself in publick Proclamations, an *Absolute Monarch*, and thereupon claiming (not Submission, but) Obedience without reserve, a Tribute that's due only to God Almighty, and which no Prince before him ever pretended to; for even in *Turky* the *Alcoran* is reserv'd.

The Declarations ought to have been taken notice of by the Writers of the Memorials.

These Declarations of the States of both Kingdoms have been spread all over *Europe*; and it was but natural to expect that the Writers of the Memorials would have in the first place taken notice of them, and not have lost so many words about the Birth of the pretended Prince of *Wales*, the Guaranty of the Peace of *Nimeguen*, and the Secret League with *France*; of all which there is not one word in these Declarations, nor did ever those concern'd in making the present Settlement, mention any of them as the Grounds they went upon when they declar'd the Throne vacant, or when they fill'd it.

The Reason of his being declar'd no King by the two Nations.

It's true, the Emperor, in his Answer to the late King since the Revolution, gives for the chief Cause of all the Miseries which he had brought upon himself and the rest of *Europe*, that he had not made good his Guaranty of the Treaty of *Nimeguen*: And the States, among other Reasons why they lent their Troops and Ships, speaking of their Danger from the apparent Union that was between *England* and *France*, gave this League, which the *French* Minister had then own'd to them, for one proof of that Union. And the Prince in his Declaration, after all his other Reasons for coming over, mentions the doubtful Birth as a Concern of his own and the Princesses, and which he was willing to submit to the Judgment of a Free Parliament. But all this, tho it appears it was of some use to procure Assistance to this Nation, is absolutely foreign to those Breaches made in the Constitution of the *English* Government, for which, and for which only, together with the late King's withdrawing himself, rather than be oblig'd to repair them in Parliament, the People of *England* by their Representatives declar'd him no King.

But tho these Matters, which are chiefly insisted on in the Memorials, be from the main Point (and indeed of little use to any Point, as will hereafter appear) there are two things asserted in them that are home to it; That whatever a King of England does, he is not to be oppos'd, much less abdicated, since his Actions as well as his Person are to be judg'd by none but God Almighty; and in Fact, That the late King had done nothing against Law, having done what he did by the Advice of the Judges.

It's neither necessary nor proper in this Paper to engage in the discussion of the Lawfulness of the late Revolution: That has been fully done already, both with relation to the Principles and Rules of the Christian Religion, and to the Laws and Constitutions of these Kingdoms. All which is publick in several Languages, and the Writers of the Memorials rather affirm than prove, supporting what they say for the most part only with general Speculations, about the nature of Power and Obedience, and of the ties of Honor, Oaths, and common Christianity; and therefore it will be sufficient in the first place, to answer, as they argue, in general.

That the greatest and wisest Nations, and the best Men of all Ages, have reckon'd it not only lawful for the People under the most absolute Governments, to do themselves Justice in case of Oppression, but have thought the doing it a Duty incumbent upon them, and which they ow'd to themselves and their Posterity: And the chief Instruments of the Great Revolutions or Changes that have happened in the World from Slavery to Liberty, having been ever consider'd as Heroes sent by God Almighty from time to time, for the Redemption of Man from Misery in this World, they were accordingly honour'd and respected while they lived, and their Memories have been and will be held in veneration by all Posterity: And those of them were and are in a particular manner applauded and distinguish'd by the thinking part of Mankind, who in serving the Publick could prefer it, not only to their own Interests, which every honest Man can do, but to that which it's much harder to postpone, and of which only Men of large Minds are capable, to a clear and undoubted Reputation, nice Honour, and Personalities or Inclinations.

All Nations account it lawful to right themselves when oppress'd.

That it is but of late that any body of Men profess'd other Principles, which it seems they only profess, since they act like others upon occasion; and the inconsistency that is in their Theory, is as obvious as that betwixt it and their Practice. They for the most part allow the People, even under Absolute Governments, a Power to right themselves in some Cases, and consequently a Power to judg when their Case is one of those Cases, by which alone they ruin the main Foundation of their whole Superstructure: for neither Divine nor Human Laws, which they found upon, and by which they pretend Restraints have been laid upon the natural Right and Duty of Self-preservation, bear Exceptions of such or any other Cases: and if those privileged Cases must be understood to be excepted, tho they be not express'd, why may not more Cases be understood to be so too? Besides, the Rule for those tacit Exceptions can only be their other great Foundation, the Reason of the thing. But so hard it is to make precarious Principles of a piece, that this last instead of assisting destroys the other; for that which they call the Reason of the thing, excludes all Exceptions, since they affirm, that the nature of Government and Society, and the Good and Quiet of Mankind consider'd in that State, in opposition to the disorderly State of Nature, requires a blind and absolute Subjection.

The Tories in practice inconsistent with their Notions.

That the Reason of all this is as evident as the Authority of Mankind for it. There must be in every Government a Power to preserve it, not only against Force from without, but against Force and every thing else that is destructive from within: as a Man may preserve his Person from Diseases, as well as defend it against Violence. Now he cannot renounce this Power, because Self-preservation is a Duty; neither can a People united in a Society or Government, renounce the Power of maintaining that Society or Government, because this Power is the Instrument of their Safety and Preservation. They may indeed consent to a Dissolution or Change of the Government; but so long as the Government continues, the Power to maintain it must continue too: for Men quitted the State of Nature to better their Condition, and not to make it worse, as they would make it, if they might maintain the Society or Government in which they united only against Force from abroad, but not against Tyranny and Violence at home. And therefore all Laws and Constitutions that are capable of a Construction that does not

People united in Society, renounce not the Power of maintaining it.

not import this, are to be so understood, because this Sense is unnatural and absurd, and never to be presum'd nor suffer'd, but when there is no room for any other. And then such Laws and Constitutions are void in themselves, as being inconsistent with the ends of human Society, and Self-preservation. And in effect they imply a Dissolution, by which the People are set at Liberty, and restor'd to their natural Freedom; even from under the most absolute Yoke that can be imagin'd, and which they had authoriz'd as much as they could, by their Consent.

In mixt Governments one Party may maintain their Power against the other if invaded.

That many who otherwise are great Asserters of Power, own that the Measures of Obedience and Subjection vary in different Nations, according to the Diversity of their Constitutions; and that where the Supreme Power is divided, if either of the Parties invade the Share of the other, the Party invaded may not only defend his own Share, but, if to secure it nothing less will serve, may deprive the Invader of his; because whoever has a part of the Supreme Power, must of necessity in their Judgment (which is of great Authority) be understood to have a Right to maintain it. And the Reason of this is as evident as their Authority is great, for the Condition of all Subjects would be alike, whether under an absolute or under a limited Government, if it were not lawful to maintain and preserve those Limitations: Since Will and Pleasure, and not Law, would be equally in both the measure of Obedience; for to have Liberties and Privileges, unless they may be defended, and to have none at all, is upon the matter the same thing; as the difference is but in words, to be govern'd by mere Will and Pleasure, or by Laws subject to that Will and Pleasure.

Laws and Oaths are Ties upon the King and People.

That Laws and Oaths in limited Governments are Ties both upon King and People, and must be interpreted according to the nature of the Government, so as to prove Fences for the Constitution, and not serve for handles to overthrow it, otherwise such Laws and Oaths infer a Dissolution or Change of Government; which is never to be admitted by way of Inference or Consequence, and can only be suppos'd to have been intended when it is plainly and directly express'd. Thus the Oaths at Coronations, and the Oaths of Allegiance are in effect but swearing to the Constitution, in the one to govern, and in the other to be govern'd according to it. But if a Coronation-Oath be restricted to a tie upon a King only to God, and the Oath of Allegiance be extended to an absolute Subjection; then both King and People swear against the Constitution, instead of swearing to maintain it, as they think they do. The same thing is to be said of all Oaths or Declarations in limited Governments against Resistance upon any pretence whatsoever, for either by the Resistance thus renounc'd, there must be understood no more but Resistance to a King acting according to the Laws and Constitution, which is Rebellion; or there is a change of Government, which, as hath been said, is never to be presum'd or infer'd, especially when the Power that appoints such Oaths and Declarations, subsists and acts upon the usual foot, which it could not do were there a Change, or that it had been design'd.

The Scripture gives no rules for any form of Government.

That what is to be found in the Old Testament relating to Kings, was either peculiar to the Jewish Constitution, or belong'd only to Persons that were immediately design'd by God, and can with no colour of reason be apply'd to those, who have no pretence to any such Designation either for themselves or their Ancestors. The Difficulty is greater about the New Testament, but it's plain that in it no Rules are given for the Forms of Government in general, or for the degrees of any one Form in particular; but for the sake of Justice, Order, and Peace, the Observation of the Constitution under which we live is strictly enjoin'd. Then it is not pretended that Christianity deprives any Man of his Civil Rights, much less that it vests a free People of their Liberties, as it must do upon the matter, if it render the Tenor of them precarious, and that because of it they may not defend them. The Apostle advises all Men to be free if they can: and our Savior tells us, that his Kingdom is not of this World; and shows by his whole Conduct, that he came to meddle neither with private nor publick Business, and therefore he would not divide the Inheritance, nor give any Judgment of *Cesar's* Title, but bid pay according to the Supercription, or to the Powers in being: as *St. Paul* acting in the same Spirit, order'd his Disciples to pray for those in Authority, and to submit to them without distinction, tho he could not be ignorant, that *Nero* was both an Usurper and a Tyrant; and no doubt would not have differ'd with all the honest Men of that time, nor condemn'd the Senate for cutting off such a Monster, tho the Senate had been compos'd of Christians. But if our Savior had made a new Law for Universal and Absolute Subjection, this had been

Our Savior's Kingdom not of this World.

interposing in Civil Matters with a witness, and in effect had made a greater change in the external Government of the World, and the publick Concerns of Mankind, than ever had been made before him, or can be made after him. There is danger enough as it is, to prevent or remove Tyranny, and Men are prone enough to it; but this had prov'd an encouraging and an establishing of it, by securing it under the pain of Damnation, than which nothing could have been more prejudicial to Mankind, and consequently nothing more contrary to our Saviour's Design and Business, who came to do Good, and went about doing it, even a temporal Good, or Good with relation to this World. He cur'd them and instructed them, or gave them, as the saying is, *mens sana in corpore sano*, without which there is no Felicity in it. As to the difficulty of reconciling intestine Wars with the Spirit of Christianity, it is no greater than that of reconciling any War with it: and they reason more consequentially, who upon this account make all War unlawful; for the Precept of doing Good to our Enemies is stronger against destroying them, than that of holding up the Cheek, and giving the Cloak also, is against Resistance. And the difficulty is yet greater in Military Justice, and other Criminal Justice too, when the Facts are not immoral, but trivial and excusable, whether the Mind of the Doer be consider'd, or the immediate Import of the thing. These are indeed great Difficulties, but are no true Objection, since they prove too much, and all Parties are equally concern'd to remove them.

That after all, it is not pretended that Resistance is lawful, but in cases of great extremity, and when no other remedy is practicable; as in Absolute Monarchies, when the Oppression is such as is inconsistent with the ends of Government, and that it were better for the People to be again in the state of Nature, and under no Government at all, than under such a one; and in Limited Governments, when the Encroachments upon these Limitations are inconsistent with the design of them, which is to keep the Government from turning Absolute. Thus a great difference is to be made in a limited Government, between the overthrowing or endeavouring to overthrow the Constitution and Fundamentals, and lesser Violations; between an Invasion of the sole Legislative Power, and Errors or Abuses in the Administration; between a Prince's acting against Law inadvertently or in Passion, or from Humour, or in order to particular Ends and Designs, that concern rather private Persons than the Publick, and his acting against Law from a visible design of throwing off all Restraints of Law, and governing by Will and Pleasure. In all these cases, on the one hand, the People have no measures to keep, they are losing their Liberties, or they have lost them, and they cannot hope to save or recover them, but by doing themselves speedy Justice: And here a King ceases to be King, at least to be a legal King; for he cannot well pretend to be so by those Laws which he himself is destroying, no more than the People can pretend any longer to have Rights and Liberties, if they once tamely suffer them to be taken from them. But in the cases on the other hand, Kings should indeed be esteem'd, not only unaccountable but uncontrollable, and allow'd to have their Passions and Failings as well as other Men. And since there will be room for calm Remedies in due time, or whatever be in that, the Injuries being private and the Publick safe, the Peace and Quiet of Mankind, which is here the greater Good, makes Patience and Submission upon such Occasions, not only preferable but an indispensable Duty.

As to the Consequences, whether real or pretended, that are so much insisted on in the Memorials, and every where else in such Debates, they are no true Objection. The genuine and natural effects of such Principles are to preserve or deliver Mankind from Oppression. If bad Men make a handle of them for creating Confusion and Disorder, the best things may be abused, and there is no help for it. There is no absolute Fence to be found in nature against the Irregularities of the Will of Man. The new Doctrine of Non-resistance, tho otherwise useful, if well understood, proves no Remedy. The Disorders that Governments are subject to, have not been since the Birth of it less or fewer than they were before, not because it is not receiv'd, but the Managers of it have overdone it; so that no body of Men ever did or ever will act according to it when they think they can do otherwise. And suppose Men did submit to it, the Remedy would prove more dangerous than the Disease: Non-resistance must needs render all Power absolute, and such Power being too strong for human Nature, will degenerate into Tyranny, as implicit Faith or Non-resistance in matters of Religion establishes Infallibility, and it's apparent what Infallibility once own'd turns to. Men are subject to Passions and other

Resistance to any Government when lawful.

Doctrine of Non-Resistance must make all Governments absolute.

other Failings ; and Truth and Government being lodg'd in them, must, like all created things, be attended with their peculiar Inconveniences. To teach us Patience, we are told by the Pattern of it, that the Earth is given into the hands of wicked Men, they are indeed a vast Majority ; however we must be satisfy'd with this our World as God has order'd it, and not spoil it on pretence of making it better than he has done : for after all even Rebellion is preferable to Tyranny, and Wrangling to Imposture.

Government of England divided between King and People.

These are the Principles upon which the late Revolution was carry'd on. The Application is so obvious, that it is superfluous to make it. All that know any thing of *England*, know that the Government of it is a mix'd limited Government, consisting of Monarchy, Aristocracy, and Democracy duly temper'd, where the Supreme Power is divided between the King and the People (or the Lords and Commons) since he can neither raise Money nor make Laws without them ; and those Laws are a Rule to both, a common measure, to him of his Power, and to them of their Obedience. But the Government is call'd a Monarchy, because that kind is predominant in the Constitution ; for not only has the King his large Share in the Supreme Power, but the Executive part, or the Administration is wholly and singly in him. All this is manifest, and both King *James* the First, and King *Charles* the First have own'd it, and much more, in their publick Papers. It is as evident too by the History of *England*, that such Kings as would not be satisfy'd with this, have been ever laid aside when gentle Remedies had no effect, and the People had Strength enough to do it. And as to the Matters of Fact with which the late King is charg'd, it were enough to read over impartially the abovemention'd Declarations, and a few Acts of Parliament, to be convinc'd of the Truth of them, and of the Illegality and Importance of them. The Facts are of such a nature, that a whole Nation could not agree in forging them ; they are not Works of darkness in one sense, not Secrets or Mysteries transacted in Corners, but are notorious, done at noonday, upon the Theatre of the Nation, and express'd in the publick Orders given about them. And as to the Illegality and Importance of them, the things themselves speak as plainly as Man can do ; and any *English-man* that is not convinc'd of this, can hardly ever be convinc'd of it, he will not be, and the Will is not to be forc'd : so that there needed little more to be said, were this Answer made to Men of ordinary Ingenuity, or made for the sake of those of this Nation.

Why call'd a Monarchy.

The Memorials full of false Colours and impudent Assertions.

But these Memorials carry a great Name, and both they and other Rapers that come from *St. Germain's*, and which are expressly in the late King's Name, are full not only of false Colours, but of bold and impudent Assertions. Sometimes the Facts are Fictions, Chimeras, Calumnies, &c. which even his Enemies acknowledge to be false ; at other times they are true, but then they are all according to Law, *The Judges had advis'd them, the Power to do them is inseparable from the Prerogative, other Kings had done the same, he could not in Honour do otherwise* : And if at any time they seem to own (which they do rarely) that the Facts are true and illegal, *Then they are but Errors, little imaginary Grievances, which neither were a true ground for Complaints, nor did give even an occasion for making them ; but which, to remove all Pretences, he himself had redress'd.* And therefore lest Strangers, for whom these Memorials are calculated, should be thus impos'd on, it seems necessary to lay open the whole Progress of the Revolution, and in doing this to take notice of any thing that is particular or remarkable in the Memorials or elsewhere.

This is done first with relation to the Cause it self, and the Proceedings of the Prince of *Orange* (his present Majesty) and the People of *England* in it, and next with relation to the Confederates.

Proceedings of the P. of O. on K. J's coming to the Crown.

Upon the late King's Accession to the Crown, the Prince made him offers of all the Service and Assistance that was in his Power, which soon after was very useful to him, and contributed not a little to the settling him on the Throne. But tho the Prince had no reason to be satisfy'd with the Returns that were made him, yet he resolv'd to have patience, and to bear with every thing that concern'd himself only.

His Opinion about repealing the Laws against Papists.

When his Opinion was ask'd about the Laws that related to the Roman Catholics, he declar'd his Thoughts very freely on that Subject, and was for the repealing all those penal Laws under which they lay by reason of their Religion ; but did not think it advisable to repeal the Laws that excluded them from sitting in Parliament, and from Offices of Trust. This seem'd to him the only Expedient to be fallen on at that time for settling the Peace of these Kingdoms, and it might

might have satisfy'd all the Roman Catholicks, as it did the more moderate of them, for it would have made them all safe and easy. And if they had behav'd themselves so well upon such a favour, as to have laid the Jealousies of the Nation, they might after that with a better Grace have pretended to further degrees of Confidence: but it was apparent, and they own'd it, that they would have all or nothing; and the late King upon this, and the Prince's other Endeavours to signify to him, in terms full of respect, the just and deep Regret, and the Apprehensions of the Consequences which his Proceedings gave him, was more and more alienated from him.

This did evidently demonstrate, that nothing reasonable or moderate would satisfy, and that it was not the settling the Peace of these Kingdoms, but of Popery and Arbitrary Power, that was design'd; and it did otherwise appear too, that the late King's Zeal and Temper were manag'd by those who had set all Europe on fire, and design'd to imbroil England that it might depend on them, or at least not be in a condition to put a stop to the Designs they were then carrying on against the rest of Europe. Thus the late King, without regard to his Coronation Oath, by which he swore to maintain the Church and Laws of England, or to the repeated Assurances he had given of this upon other Occasions, engag'd in Designs destructive to both.

K. J. design'd not the settling the Peace of the Nation, but of Popery and Arbitrary Government.

In order to compass these Designs, he had resolv'd to render himself in the first place Absolute in Westminster-hall, knowing that the greatest Enemy Law hath is the Colour of it, which therefore he would have on his side. Thus Judges were made, not according to the antient Form, *Quamdiu se bene gesserint*, or during their good Behaviour, but during Pleasure: And by many Changes the Bench was so alter'd, every Judg being turn'd out so soon as he shew'd any Disposition to make a stop, that at last, and not without great difficulty, and after many removes, twelve Men were found out who would obey without reserve.

And to make himself absolute in Westminster hall.

They to make short work of it declar'd, That the power of dispensing with Laws was a Right of the Crown, and in particular that the King might dispense with the Laws that excluded the Roman Catholicks from sitting in Parliament, and from all publick Employments. A Judgment so destructive to the whole Constitution of this Government, given by precarious Judges, who had been all examin'd before they were advanc'd, could not in so plain a matter alter either the Nature of things, or the Sense of the Nation, which was mightily alarm'd upon it, and the more when they perceiv'd that the Design was no longer made a Mystery, and that the late King had not patience to proceed by degrees, but made all the hast imaginable to use this Power for its proper ends, by filling Vacancies both in Church and State, and particularly in the Army, with those of his Persuasion, and many of them not English too, and that violent and irregular Methods were taken to multiply such Vacancies.

His Judges declar'd it a Right of the Crown to dispense with the Laws against Papists.

The Laws then dispos'd with were made designedly to restrain the Crown from making any use of those of the Roman Catholick Persuasion, either in places of Trust or in Parliament. The Penalties of them did not accrue to the Crown, but belong'd to Informers. Besides the Penalties, they who transgress'd were put under such Incapacities, that whatsoever they did was null and void; to the removing of which it was never before pretended that the Regal Prerogative could be carry'd. It's own'd there are Laws about ordinary Matters, and of such a nature, that the Mind of the Lawgivers is presum'd to have been, That those who are trusted with the Execution of them, may upon certain Occasions, or for a limited time, dispense with the Execution of them, or rather (to speak more properly) cease to execute them. But for a King to claim under the notion of this, a Power of suspending for ever, Laws made expressly to restrain him, and in the steady execution of which consisted the Security of a Government, was in effect, to claim a Power of repealing Laws, and, Law being thus remov'd, to substitute Will and Pleasure in its place. So that it must be own'd, that the Scotch Ministry at least acted more ingenuously, when they got the late King without more ado, to proclaim himself an Absolute Monarch, and by virtue of that new Title to declare the same sort of Laws void and null in that Kingdom.

What Laws a Prince may on such Occasions cease to execute.

About the same time the whole Clergy of this Kingdom were subjected to a Commission, which, as it was illegal in its Constitution, not only without, but against an express Law to the contrary; so those Commissioners had in their Proceedings no regard to Law, or to the Forms or Rules of it. And not to insist on other things that they did, they requir'd the Body of the Clergy to publish a

The Clergy subjected to the H. Commission, against a Law.

Declaration that was founded on the Dispensing Power, and that struck at their whole Settlement. Upon which some worthy Prelates representing the Reasons in a modest submissive manner, why their Clergy could not comply with it, were, contrary to the practice of all civiliz'd Nations, imprison'd, and-treated as Criminals. This Usage open'd the Eyes of the whole Kingdom, and convinc'd them that the Disease was past gentle Remedies, since there was no more room for applying them.

*His Intent-
ours to
subvert the
State of
England,
by levying
Money con-
trary to
Law.*

While these Methods were carry'd on against the Church, those of the like nature were follow'd with relation to the State in order to subvert both. The late King had upon his coming to the Crown, levy'd Money upon his People without Consent of Parliament, by continuing Taxes that determin'd with his Brother's Life. He had rais'd a great Army in time of Peace, and quarter'd them against Law, and taken Mens Lives by Military Sentences unknown to this Constitution. He had not upon the defeat of his Enemies been satisfy'd with the Blood that was shed in the Field, and of those chiefly concern'd, whom he had made to be afterwards executed; but contrary to the usually Clemency and Practice of all Nations, had got by his express Orders (as hath since appear'd) his Basha's rather than Judges, to dispatch multitudes of the common People, with such precipitation, and so little regard to common Justice and Humanity, and the known Forms of Trials of this Kingdom, that many being not so much as heard, or by ill Usage or Promises enshar'd to own whatever they were bid own, whether true or false, the Innocent were deluded or confounded, and hurry'd out of the World with the Guilty.

*By procu-
ring the sur-
render of
Charters,
and in-
croaching
on the free-
dom of E-
lections,*

The practices for the Surrenders of the Charters and Privileges of the Boroughs were carry'd on all over *England*; and such Encroachments had been made upon the freedom of Elections, that in effect the Members were rather named by the King, than chosen by the People: so that he had reason to say, that there were not above Forty elected other than those he had wished for: for besides the Violence and Injustice us'd every where to such a degree, that there was scarcely one Election which was not loaded with Complaints, in above three parts of four of the Boroughs, the Elections had been always made by the whole Inhabitants; but by the new Charters this their Birth-right was taken from them, and restrain'd to the Corporation-men, or Town-Council, who were all nam'd by the King. Now this struck at the whole Constitution; for the House of Commons being the Fence of Liberty, if the King could thus model it, Liberty was gone, and it did not appear how it could be recover'd: for as it was not to be expected that a House which having in it a vast Majority thus chosen was both Judge and Party, would declare it self no House by voiding such Elections; so when the House did meet, and that one had the boldness to put this Matter home to them, plainly intimating that they were no House, yet they pass'd it over: So that this was a Blow given to the Liberties of *England*, for which there remain'd no Remedy but a violent one.

*And prac-
tising on the
Judges.*

The Justice of the Nation was also corrupted, by a constant practising upon the Judges, and turning out such of them as even in the common Administration of Justice vary'd from the Directions that were given them. This began to render all Mens Properties as precarious, as they themselves were obnoxious by the exorbitancy of Fines, and the Innovations that had been of late made in the Forms of Trials.

*By using
indirect
Practices
in the choice
of a Par-
liament.*

But all this was not thought enough, nor did even the Dispensing Power satisfy, tho it gave a Colour of Law to every thing that was done, and serv'd equally both against Church and State, and for any Purposes whatsoever, it being sufficient in its just Consequences to evacuate all the Laws in being; and where there is no Law there can be no Transgression: So that the Party might do what they pleas'd without new Laws to authorize it; but tho they acted already thus bare-fac'd in *Scotland*; which, had there been no more proof, did alone show what they intend'd in *England*. However, to make all sure, they thought it more advisable to join, if it was possible, the Figure of a Parliament of their own chusing, to the Colour of Law that the Judges had given them; and therefore they resolv'd to use all Means, good or bad, for having one to their purpose. The Freedom of Parliaments, that is, of Elections and Debate, is the most Sacred thing in the *English* Government; for then do Men truly represent their Countries when they are fairly chosen, and speak their Minds freely. But such a Parliament they knew would never be for their purpose: Instead of it they design'd to have a Cabal of weak and

and mercenary Men, whom they should by Fraud, or Force, procure to be every where chosen.

The Methods which they took for compassing this, and which would have destroyed the Freedom of Parliaments for ever, were first, by examining all Men in Publick Employments, and all Men who were suppos'd to stand fair to be chosen Members themselves, or to have any considerable Interest in the Election of others, if they would concur with the Court in their Designs, or not; thus pre-engaging them, and heaping Marks of Favour upon them that did ingage: And such as would not, and had Employments, were turn'd out of them; and such as had none, became the declar'd Objects of the Court's Displeasure, to be felt by them upon occasion, which could not be wanting then, considering how Justice was administred. The other Method they took was, by regulating the Corporations that send Members to the Parliament, which was done in so gross a manner, and so contrary to Law, nay even contrary to the new Charters that they themselves had a little before given them, that they went on with Regulation upon Regulation, still changing, till they concluded that they were sure of them.

His Methods in it.

To support these Proceedings, and make all sure, the Army was daily increas'd; and there was a constant modelling of it going on, by turning out Protestants and filling their Places with Roman Catholicks, for the most part *Irish* and *French*, or other Foreigners that were brought on purpose from all the Corners of Europe.

By filling the Army with Papists.

In *Ireland*, all regard to the Act of Settlement was laid aside, and the whole Power put in Popish Hands. Such of that Persuasion as could bear Arms, were arm'd and disciplin'd to serve for Recruits to the Protestant Armys in *England* and *Scotland*; besides, there was an Army of Regular Troops there ready to be brought over to this Kingdom upon occasion.

By putting Ireland and Scotland under R. Catholicks.

In *Scotland*, two Brothers that were new Converts, had got the whole Absolute Power, which they had persuaded the late King to assume to himself, delegated to them; and as they themselves had obey'd without reserve, they were with all the zeal and haſt imaginable trying how far they could make others do it too. The Command, and modelling the Army in that Kingdom, was also left to another Popish Lord. And besides Power and Force, some Men who indeed never had any Probity, but by a mask and show of Religion had got some Interest among the Presbyterians, were made use of to delude or dispirit them, as some of these very Men and others had been employ'd in this Kingdom, tho with no great Success, as it happen'd.

Long before this, Men of Understanding and Interest foreseeing what all would come to, had apply'd to the King then Prince of *Orange*: but tho he had given over to interpose his Offices with the late King, ever since the Expedient that he had propos'd about the Penal Laws and Test had (tho it was extorted from him) been construed meddling, and that he began to apprehend that gentle Remedies would signify nothing; yet he still hop'd that the Difficulties which the late King met with, would bring him to understand his true Interest, or at least deter him from driving Matters to Extremities, and therefore he had declin'd to engage in extraordinary Remedies. But now the Eyes of the whole Nation came to be open'd and turn'd towards him. They saw their Danger and Deliverer at once. The Design was evident, and they felt the Preparations for it. The late King's Temper, which they had always apprehended, did appear in its true Colours. Zeal, as it usually does, was growing fiercer with Age. The Condition of the State, of the Church, of the Army, of the ordinary Justice of the Nation, furnish'd them with nothing but dismal Views; and the multitude of *French* Protestants that came daily over naked, were lamentable Instances of what they might in time expect. The Design had succeeded in *Scotland* and *Ireland*, a Title was establish'd in the one, and Power in the other, that wanted nothing but Time, not only to make all sure there, but to give Assistance here. The *French* Ministry were upon all Business with their Measures and Counsels, and their Master at hand with his Forces and Money.

To redress these things application was made to the P. of Orange.

The Northern Crowns were quarrelling about *Holstein*, and the Protestant Princes of *Germany* were divided between them. The House of *Austria*, tho concern'd in the Consequences, was too Catholick to assist a Protestant Nation against a Popish Prince: There remain'd but the Prince and the States to expect help from. The Returns his Highness and the Bishops had met with, show'd that gentle Remedies were neither safe nor of use. In a word, all Men of Sense were convinc'd

that

that they could not hope for the only regular Remedy that was proper in such Cases, viz. a Free Parliament, but that they were to be undone, either by a Cabal of Men, who under the Name of a Parliament, and the Colour of Law, would add to their Chains; or by the Violence of an Army, which was already quarter'd contrary to Law, and in order to gain them, was indulg'd and conniv'd at in all Excesses and Irregularities: And which it was evident, if a little more time was allow'd their Modellers, would be rendred fit for any Purposes, not by converting them, or changing their Minds, for to their great Honour, as the Event show'd, they continu'd *Englishmen* and Protestants; but by a Transubstantiation of the Body of the Army into *Irish* and Popish, which Work was going as fast on as was possible, without a Miracle, in good earnest. The Nation was satisfy'd too, that as it belong'd to none so properly to deliver them as the Prince, because of his nearness to the Crown, so none were so well qualify'd, or so likely to succeed in it as he. Thus he was apply'd to by Persons of all Ranks and Conditions, and whose Applications were indeed, as appear'd quickly after, the Voice of the Nation.

Progress of
the French
King call'd
for a speedy
Remedy at
home.

The state of Affairs abroad at this time did also call for speedy Remedies: They had ever since the unhappy Peace been growing worse and worse, and were now at such a pass, that unless a sudden stop was put to the Ambition and Power of France, all must resolve to truckle under it. The French King had, by the Favour or Unsteadiness of the Court of England, got more at the Treaty of *Nimeguen*, than was consistent either with Justice, or the Interest of Europe, that he should have. However this did not satisfy; he had since that Treaty got into the Possession of *Luxemburg*, *Strasburg* and *Cazal*, three of the most important Places of Europe; and had made a new Frontier to France, out of the Territories of his Neighbours, by Reunions on the account of antient Dependences, or other Pretences, of which he had declar'd himself sole Judge, without any regard to the Treaty of *Nimeguen*, or the Laws or Customs of Nations in the like Cases: so that in effect he was going on ravishing more in time of Peace, than he had conquer'd by the War. It's true, there was a Truce concluded in 1684. but this had the same Fate with the Peace, for instead of putting a stop to the French Progress, both had furnish'd Matter for *Chicane*, and a handle to go on more securely. It's own'd in the Memorials, That pressing and powerful Instances were made to the late King by the Ministers of the Confederate Princes, to engage him in a League against France: But it's deny'd (which shall be consider'd after) that he was Guarantee of the Treaty of *Nimeguen*, or apply'd to to maintain it; tho it be obvious to ask, why a League then, if not because of the Infractions of that Treaty? It's own'd too, that the late King's answer was, That he could not in Honour break with the French King, against whom he had no just Complaints to make, &c. That he had matter for just Complaints will appear elsewhere: But here's enough to show that the Confederates, tho they might apprehend hurt from England, could hope for no good from it under the late King, which alone were sufficient to justify to them the necessity of the late Revolution, and their share in it (if they had any in it) for without a mighty and speedy Support from England, the Condition of their Affairs was in a manner desperate and past retrieving. For the French King having got by the Peace and Truce, all that these either gave him, or furnish'd him with a Pretence to take; he had at last, without regard to either of them, declar'd War, and besieg'd *Philipsburg* (this was before the Prince left *Holland*). The Emperor was engag'd in the War of *Hungary* with the Turks, and many of the Troops of the Princes of the Empire had been sent thither to his Assistance. The Spaniards were yet in a worse Condition than they us'd to be. The Dutch were full of Apprehensions on the one hand from the Neighbourhood of the French Garisons in the Electorate of *Cologne*, and on the other from the state of Matters in England. There was a visible Concert between the two Kings, which the Partialities that appear'd in the Negotiations of the Court of England, with relation to France, made manifest to all Europe.

The late
King in concert
with
the French
King, &c.

The late King did not complain of the Growth of the French Power at Sea, of which this Nation had ever above all things been most jealous; nay he had contributed to it. Was it then to be expected that any Progress of that King's at Land could move him? Besides, the French, not to rely barely upon the late King's Friendship, but to make all sure, had, by imbroiling Matters in England, put him at last out of a Capacity of interposing. A Prince, and no Heretick one, writes to the late King, in answer to a Letter of his since the Revolution, That the chief Aim of the French was, by fomenting continual Divisions between him and his People, to

gain

Gain thereby an opportunity to insult the more securely over the rest of Christendom. Which Opportunity they had taken, He being engag'd in a War with the Turks, with whom they had made perfidious Leagues, and they reckoning themselves secure of England) to attack him unjustly and barbarously, and against the Faith of Treaties.

If about the time of this Declaration of War, and when the Understanding between the two Crowns appear'd to be in its greatest Perfection, the French Ambassador at the Hague, in a Memorial presented to the States, declar'd, That there was an Alliance between the late King and his Master, who would therefore consider the first Act of Hostility committed against England, as a breach of the Peace with himself: And if the States and others upon this believ'd, that there was such a League, Was this so very strange? Whom should they have believ'd in such a Matter but the French Ambassador? Was ever this Memorial, or he upon the account of it, disown'd in France? Or if his Testimony as a single Evidence was not sufficient, the English Minister at Paris own'd it also. Could two more credible Witnesses to such a Point be found? It's true, this Matter made a great noise in England, which oblig'd the Court to recal their Minister, and imprison him in the Tower of London; but this appear'd soon to be a feign'd Disgrace, for he was quickly after made Governor of that important Place. Suppose those Ministers had not own'd such a League, it would be still more strange not to believe it, than it was to believe them: To believe the intire Friendship and Union of Counsels and Designs that was then between the two Crowns, and yet that there should be nothing in Writing is scarcely possible. France had offer'd Men and Ships, and could not forget to offer a League too. And we who had no Complaints to make, tho we refus'd the Men and Ships, because we did not think them yet necessary, and fear'd a Breach with the People by such a Declaration; Why should we have refus'd a League, that being secret would do us no hurt at present, and might have prov'd very serviceable to us thereafter? But after all, whether this League was true or false, it is no great matter: All Men were at that time convinc'd of a Union between the Crowns more powerful than Leagues, of which the offer of Men and Ships, that was then no Secret, is a strong proof, and the stronger if it was made without a League. If Men were provok'd and warm'd upon the Discovery made of this League, which indeed was the only effect it had; the two Courts know to whom they owe that Discovery. So that the Writers of the Memorials, and the other Advocates of the same Cause, have laid aside all shame in pretending that the Secret League with France, as well as the late King's being Guarantee of the Treaty of Nimeguen, were two of the false Accusations upon which the late Revolution was built. It's the Confederates, and not his Majesty or the People of England, that have laid both these to the late King's Charge: And as the Reasons why they charg'd him with the one appear good and justifiable; so those, why they charg'd him with the other, will appear to be so too. However, it's matter of Fact, That the true Grounds of the Revolution are laid down in the Declaration of the States, or Act of Settlement, where neither of these two Points are so much as mention'd.

Had enter'd into an Alliance with France.

This being the state of Affairs, desperate indeed every where, unless they were to be put right in England, back'd with the earnest Solicitations, not only of the English, but of the Dutch too, who began also as it appear'd to reckon themselves lost, the Prince determin'd at last to come over, and to try the only Remedy that remain'd yet to be try'd, which was, the meeting of a Free Parliament. He was now convinc'd that the two Kings would drive things as far as they could go, and that no Remedies could prove effectual but speedy ones; for England would quickly be so far gone, and the rest of Europe so much over-run, that Matters would be past retrieving.

The Prince came over to settle things here.

The States of the United Provinces lent the King their Troops and Ships, and they gave their Reasons for doing it in the Paper refer'd to in the Memorials, which were, That there was a form'd Design to set up Popery and Arbitrary Power in England: That the Prince and Princess were in danger of being excluded from the Succession to that Crown by the Disorders that were like to happen there: That the Safety of their State did absolutely depend upon the putting Matters right in England; and that considering the extraordinary Understanding and Friendship, and the strict Alliances that were between the two Kings of France and Great Britain, and that they had jointly endeavour'd to deprive them of their Allies, and that the French King had given them other Proofs of his bad Intentions, they could not but apprehend, that in case the King of Great Britain should

Why the States of Holland lent their Troops and Ships.

should succeed in his Designs upon his People, and make himself Absolute, these two Kings would, for Reasons of State and in hatred to the Protestant Religion, endeavour to overturn the Government of the *United Provinces*, and even to ruin them intirely if it was possible. They declar'd, that nothing was intended but to restore the Privileges of the People, and save their Religion, and to have a Free Parliament called for taking Measures to secure the Constitution in time to come. And they hop'd that Matters being settled in that Kingdom, the same might be in a condition to concur with others in acting for the common Good of Christendom, and for recovering and maintaining the Peace and Quiet of *Europe*. The States did not, as is pretended, lend their Ships and Troops to his Highness, on condition that he should not dethrone the late King, no more than on condition that he should not persecute the Roman Catholicks: However they had reason to affirm, as they did in that Paper, that he went not to *England* for either of these Purposes. It's known, and will fully appear, that the late King might have been still on the Throne if he would have left matters to a Free Parliament, which he himself had offer'd and engag'd to do, and which, with what was necessary in order to have such a Parliament, were the only things ask'd of him.

The late King could not be un-sensible of the Design therein.

If the States kept up the Forms that are usual between Nations and Neighbours not in War, and the King continu'd to write Letters of Civility till near that time; Was this strange? or is it possible that the late King could be thus deceiv'd? He sure knew that which every body knew, that there was no good understanding between the Prince and him; and he could not but know, that since the Affair of the Test and Penal Laws, no Business had pass'd between them. What were his Thoughts of him? It's true, he himself could look on, and see the *French King* in the face of all *Europe* rob his Nephew and Daughter, and then too his undoubted Heirs, of their Birthright and Inheritance, and yet have no Complaints to make, if we may trust the Memorials. Did he therefore think the Prince had none to make neither? And what did he imagine were the Sentiments of the States? What were they Strangers to expect from him that did thus use his own? They a Common-wealth and Protestants, from the Concerts of two Kings, of whom one had long ago conquer'd Law, and was now conquering Conscience, by making their Religion a State-Crime even in his own Subjects; and the other was making all the haste he could to be in a condition to use both in the same manner. Now was it possible for Flesh and Blood, that observ'd all this, to be without Concern and Resentment. And as to their concealing it, the *French* had Forces ready, and had offer'd to land them in *England*: The Offer had not been rejected, but the Acceptance of it delay'd till Forces should be judg'd more necessary. Do those the late King's Statesmen complain, that the Secret of a Business which wholly depended on the Secret, was not communicated to him whose Interest it was, and in whose Power it would have been, had he known it, to have obstructed it?

Call'd a Parliament, but afterwards recall'd his Writs.

The late King had in *September*, when he first believ'd the Design from *Holland*, call'd a Parliament to meet in *November*; he then hop'd that the Regulations and Closings, and other Methods he had taken, would help him through with it; and to please the People, he had about the same time declar'd, that the Roman Catholicks should remain incapable to be Members of the House of Commons; and he order'd the Deputy Lieutenants, and many of the Justices of the Peace that had been lately remov'd from their Places, to be restor'd to them. But he quickly perceiv'd the Design to be further spread than he imagin'd, and that such mock Concessions did but irritate; for only those Justices of the Peace, were to be restor'd whom his own Lords Lieutenants should recommend, and it was not likely that the People should chuse Roman Catholicks: so that the declaring them incapable to sit in the House of Commons, had no other effect but to signify to the Nation, that the Lords of that Persuasion were to sit amongst the Peers. He saw that Concessions of another nature were necessary, but that after having made them, he was to lay aside all hopes of having a Parliament to his purpose. And therefore on the 28th of the same Month, when he publish'd his knowledge of the Design from *Holland*, he took that Pretence to recal his Writs for a Parliament, and resolv'd to try if he could soften the People, by making to them himself the same Concessions which he knew they would have ask'd of him in Parliament.

Restores the Charters and Magdalen College, &c.

Upon this the Bishops were sent for and caressed; and general Pardons, or with few Exceptions, were publish'd, even one upon the back of another, to remove the unlucky Reserves that could not escape the Jealousies of the Nation. The Charter

of London was restor'd, and the Suspension which their Bishop had been put under for not censuring one of his Clergy without hearing him, was taken off, and even the Ecclesiastical Commission it self was dissolv'd. The Bishop of Winchester was sent to Oxford to restore Magdalen College; but the News coming of the Dutch Fleet's being wholly disabl'd by a Storm, he was recall'd to London, and the Restitution put off till other News came, upon which he return'd and went thro with it. The Depositions upon Oath about the pretended Prince of Wales's Birth were also taken, and some time after publish'd; but which, instead of removing the violent Presumptions that there was an Imposture at bottom, served only to confirm them in the Minds of all indifferent Men. An Order was given for remedying Abuses in regulating Corporations; but this proving matter of jest, the favorite Idol next to that of the Dispensing Power was parted with, and the Corporations all over England were, on the 17th of October, restor'd by a publick Proclamation; in which too it was declar'd that a Parliament should be call'd, as soon as the general Disturbance of the Kingdom by the intended Invasion would admit of it; which was repeated on the 6th of November, with this remarkable Addition: *That the Parliament could be no longer liable to the least Objection, of not being freely chosen, since the Corporations were actually restor'd to their antient Rights and Privileges;* and which Act of restoring the Charters, he afterwards, in his Letter to the Council from St. Germain's, calls his *laying the Foundation of a free Parliament*. It is certain, and it appears he knew it, that without these Restorations, especially as things had been carry'd by him of late, a free and legal Parliament was impossible.

But all these Concessions at bottom were indeed nothing, and signify'd as little to the purpose for which they were made: The late King hop'd thus to cajole the Nation, and to stave off a Parliament till the Prince should be forc'd to Holland again; for he assur'd his People they should then have a Parliament, and all they would ask. But the Nation was too jealous, and too much on its guard, to fall into a Net so grossly spread. They had too fresh an Experience of Promises to trust to them, and they could as little trust to what was done; for besides the manner of doing it, by halves and degrees, and with regard to the News and Winds, which alone would have open'd their Eyes, all was done by way of Grant and Favor, and revokable at Pleasure. Such Concessions did indeed in their own nature imply a tacit Confession of the Ill equality of those things that were now parted with; but this was not expressly own'd, nor given any where for the reason of what was done; nor was there even a verbal Security given for the future, as the bishops in their Proposals had demanded: so that still the Ecclesiastical Commission might be set up, the Charters retaken, and the whole Game plaid over again. And if Promises had been added that this should not be, could that have given a real Security? being only Words from a Court, that regarded neither Words nor Oaths; and for the not regarding them upon this occasion, the Necessity of Affairs would have been afterwards pretended. Besides, there was in this whole matter a reserve, by which the Court held fast what they seem'd to quit; for they did not so much as offer to part with the Dispensing Power, nor even to refer it to a Parliament, as the Bishops had desir'd. Now the Dispensing Power being all Power included in one, so long as it was retain'd nothing in effect was parted with. The Nation was not thus to be impos'd on. They knew that no real Security could be given them but in a free Parliament, in which the late Proceedings of the Court should be condemn'd under their proper Names and true Colours, and their Rights and Liberties asserted and secur'd by severe Laws, in opposition to such Violations for the future. But at the same time they knew that they could not have such a Parliament, so long as a great part of the Administration was continued (as it was still) in the Hands of Men, who being under Incapacities to act, what they did would infer Nullities in the Elections and in the Parliament it self: And they were also told, that they were not to expect a Parliament at all till the Invasion was over, that is, till they help'd to beat out the Prince, to whose design of coming only, they ow'd even the Words they had got.

All this happen'd in the Month of October. And thus matters stood between the late King and the People, when the Prince landed on the 5th of November.

Upon his landing the old Spirit and Probity of the Nation reviv'd. His Friends were at first surpriz'd with his coming to the West, many of them had gone North where they expected to meet him; however there were immediately

These Concessions were mere Trullities.

The Spirit of the English reviv'd upon the Prince's Rising standing.

Risings and Declarations every where ; and after a few days, the Nobility, Gentry, Commons, and Army, flow'd in to him ; and those who had not the opportunity or means to come, sent him their Hearts in their Messages. It was a time in which honest Men are glad to have liv'd, and will ever remember it with pleasure. The Work was great and good in it self, and met with a Spirit worthy of it ; and those concern'd in it are far from being ashamed of it, as is insinuated. They reckon the share they had in it their greatest Honour, and know that Posterity will bless their Memories for it, if they prosecute in their several Capacities the true Ends of it, and transmit it to them genuin, and in the degree of finishing of which it is capable.

The Substance of the Prince's Declaration publish'd upon his landing.

The first thing the Prince did was to have his Declaration spread every where ; it had been publish'd some time before, and a number of Copies sent over, but many of them had been seiz'd and suppress'd. The matter of this Declaration is in effect the same, except in one or two particulars, with the ten Proposals which the Bishops had made to the King on the 3d of October, and with the matters of Fact that he was after charg'd with by the Convention in the Act of Settlement. So plain and evident were the Grounds upon which the Revolution was carry'd on by the several Interests concern'd in it, that they could not differ in them, or even mistake them. In a word, in this Declaration were enumerated all the illegal Steps the late King had taken in order to render himself Absolute, and the calling a Parliament was propos'd as the only Remedy : to which, as the Prince refer'd the whole Grievances of the People, and the Cure of them ; so he refer'd to them also his own Concerns, and in particular the Birth of the pretended Prince of Wales, to be inquir'd into by them, as a Concern of the Nation's as well as his, for they doubted of it as much as he did, but he never engag'd to have that matter examin'd by the Parliament, as is pretended ; he left it to them, and why they neither could nor would inquire into it, will appear in its proper place.

The Bps, &c. petition the late K. for a free Parliament.

On the 17th of November, the two Archbishops, with the other Bishops, and the Earls and Lords that were in Town, petition'd the late King, *That in a deep sense of the Miseries of a War, and of the danger to which they thought his Majesty's Person might be thereby expos'd, as also of the Distractions of his People by reason of their present Grievances (which shows they did not consider them, as redress'd by the late Concessions) they did think themselves bound, in Conscience of the Duty they ow'd to God and their Religion, to his Majesty and their Country, humbly to offer to him, That in their opinion, the only visible way to preserve his Majesty, and this his Kingdom, would be the calling a Parliament, regular and free in all its Circumstances ; and therefore they earnestly beg'd him to call it speedily, and in the mean while to use such means as he thought fit for the preventing of blood (by which no doubt they understood treating with the Prince) and they engag'd to promote in the Parliament such Counsels and Resolutions of Peace and Settlement in Church and State, as might conduce to his Majesty's Honour and Safety, and to the quieting the Minds of his People. Tho this Petition express'd the sense of the whole Nation, and particularly of all the late King's Friends in it, except a few desperate Men, who expected no Mercy from a Parliament ; yet it met with a very disobliging Answer from the late King, considering the state of Affairs at that time, That a free Parliament was not possible so long as an Enemy was in the Kingdom, who could return near a hundred Voices ; as if the Prince, who came to have a free Parliament call'd, and hath never since concern'd himself in the Elections, would have then encroach'd upon the Freedom of them.*

The Answer to it.

And to show the Spirit of the Party at that time, which was always the Spirit of the Government, whatever might be the late King's Inclinations, and that it was neither safe, nor to any purpose to give him good Advice ; the Bishops, upon the account of their Proposals to him on the 3d of October, to preserve him from Ruin, and which would effectually have done it had they been imbrac'd, were in publick Libels arraign'd for his Enemies. The forged Heads, said one of their Writers, of the Prince's Declaration, and the Bishops ten Proposals, are known to be the Contrivance of the King's Enemies, fram'd on purpose to amuse the People, &c. And what Treatment his Enemies were to expect, he shows quickly after by telling us, that even Neuters, or those who out of Peevishness would sit still, were to receive from the late King's victorious Arms, the Punishment due to their Perfidiousness and Cowardice. Thus even Peevishness and Cowardice, the effects of Spleen or Nature, were Crimes. So the Lords, upon the account of their Petition, were in a publick Libel first upbraided, *that they who had oppos'd the Addresses to K. Charles II.*

The Bps, &c. libell'd as Enemies to the late King.

for a Parliament (which by the by shows that they were the late King's old and true Friends) should now press for one. Then they were arraign'd as having Correspondence with the Prince, and as taking the Method of Remonstrances, which led to the Rebellion of 1641. And their Petition was call'd, the greatest Disservice that could have been done to the late King, and very little inferiour to joining with his Enemies, and to which he could neither in Honor nor Interest yield. Thus they were worse than Neuters.

Those that will have a further Taste of the Temper of those People, may consider the Animadversions upon the Prince's Declaration, publish'd with it about this time; for they saw they could no longer suppress it. The Author (for his Paper discovers him) was then a known Tamperer for what he hop'd would prevail (as he has been ever since) under the cover of Zeal for Liberty of Conscience, which was the Mark in those days, by which such as he, endeavour'd to deceive both themselves and others: He declares the late King unaccountable, tho he himself had for many years been calling both his Brother and him to an account, by libelling them, or plotting against them. He pretends that all was already redress'd, however to please us he is positive that a Parliament shall be call'd, whenever the Prince is gone; that is, when a Parliament will signify nothing, if not to enslave the Nation by Law. But why a Parliament, and the Redress of what? for he with the Assurance of the Jesuits, then his Collegues, outfaces the World as to the matters of fact, affirming that all was Slander and Calumny; and to shew his good Nature, as well as his Veracity, declares such as assisted the Prince, Traitors and Perjur'd, tho he himself, had he kept his Word to the Prince, had been one of them: but he was converted, in so far at least like St. Paul, that it was done on the way, and on the sudden, and by a Light that shin'd about him, but pierc'd not deeper, as St. Paul's did; it dazl'd him, but blinded him not; the Candle of the Lord still burnt on, as it does, but not as a Lamp to his Paths. What is more ridiculous, than at the same time to deny Acts of Tyranny, that were clear as Sun-shine, and to own and maintain a Title to Tyranny, the Scotch Proclamation, or Absolute Power, and uncondition'd Obedience, as a learned Bishop in his first Love penn'd an Address to the late King? Nay, he who had ador'd the Prince a few Weeks before, intimates nothing would satisfy him less than the late King's Life: for, says he, the laying down of the Crown will not do it, because (which I suppose is his meaning) the King, so long as he is alive, may endeavor to take it up again. He concludes, that the King was aspersed under the name of evil Counsellors; but let those Counsellors be never so bad (he goes on) they were worse whose service his Highness had us'd in penning his Declaration; that is, for instance, Penlioniary Fagel was a worse Man or Counsellor than Chancellor Jfferies, &c. Here he discovers himself, others love not to do it. Now may all the World judg, what the Nation could expect from a Prince of the late King's Character, with such Men about him, that had it seems laid aside all Sense, as well as Shame: for tho it was hard to make them honest, the sinking condition they were in might have made them wise, or at least given them ordinary Discretion; but as the Proverb goes, Quos Jupiter, &c.

The Temper of the Persons about him.

Before the Prince left Exeter an Association was drawn up, and sign'd by those that were then with him, and by all others that came afterwards to him, or appear'd any where for him. By it they engag'd to Almighty God, to his Majesty, and to one another, to stick firm to the Cause, which is declared to be the maintaining the Protestant Religion, the antient Government, and the Laws and Liberties of England, Scotland, and Ireland; and never to depart from the defence of this Cause, until all these Concerns should be so far secur'd in a free Parliament, that we should be no more in danger of falling under Popery and Slavery: And they further engag'd, that if any attempt should be made upon the King's Person, they would revenge it with the utmost Severity, not only upon those that made it, but upon all their Adherents; and that such an Attempt, if it should take effect, which they pray God to hinder, should instead of diverting them from prosecuting the Cause, engage them to carry it on with all the Rigor that so barbarous a Practice deserv'd. At the same time People in all Places declar'd for a free Parliament, in pursuance of the Purposes contain'd in the Prince's Declaration; as at Nottingham, York, Norwich, Bristol, Tarmouth, Newcastle, Hull, and wherever they could safely meet; and so soon as they got Copies of the Association, they entred into it.

The Association agreed on at Exeter by the Adherers to the Pr.

The Nobility about the late King, and wish'd him to call a Parliament.

Upon this the Nobility about the late King, and others of the Privy-Council that still adher'd to him, being convinc'd that it was impossible to prevent what they saw coming upon him but by the calling of a Parliament, us'd all the Credit they had, and all the Arguments they could think of to persuade him to it. They not only gave him Assurances of their own Services in case any attempt were made upon his Person or Authority, but convinc'd him that to offer at any such thing would certainly engage many honest Men to stand by him; besides, it would always be in his Power to prorogue or dissolve the Parliament when he could do no better, and then to trust to his Forces. But his Priests and such Sycophants as we have had a taste of, and to whose Whispers and not to the Advices of his Counsellors he gave ear, were for no Parliament. They assur'd him that if he stood his ground, and rely'd upon his Friends and Forces, he had still a sufficient strength that would stick firm to him, but that if he call'd a Parliament his Friends knew their danger, and would shift for themselves, and his Army probably would unite with the Parliament, and leave him only the name of a King. This was at that time the avow'd Spirit and Discourse of a handful of violent and then desperate Men, whose Advice had undone him all along, but whose Advice he then took, as he did afterwards their other Advice when they were convinc'd that Force would not do. The truth is, such Advices could not fail to be taken, for they had ever been, and were at this time on Nature's side, as will quickly appear.

But is dissuaded from it by his Priests.

The Prince, &c. withdrew themselves from the late King.

The Princess, and Prince George, and several of the Nobility about him, that were under great Ties to him, and have neither got nor could expect by the Revolution more than they had from him, perceiving at last, that all their Endeavors were in vain, and that the only way to bring him to a true sense of his Condition, and of the proper Remedies (if that was possible) was to leave him, withdrew themselves about the 25th of November. This struck him at first, and seem'd to have the intended effect; for the next day he went from Salisbury or Andover to London, and immediately order'd the issuing forth of Writs for a Parliament to meet the 15th of January, and on the 30th this was made known by a Proclamation; in which he declar'd, that all his Subjects should have free Liberty to elect, and all Peers and such as should be elected should be allow'd to serve and sit in Parliament, tho they had taken Arms against him; and for the more Assurance a general Pardon was order'd to pass the Great Seal.

Upon it he issu'd out Writs for a Parliament.

Which caus'd an Universal Joy.

Upon the knowledge of this there was an Universal Joy spread over the Nation, because of the prospect which it gave them of Settlement by usual and regular Methods. Those indeed were their Inclinations and earnest Desires, so far were they then from thinking on the Remedies which he thereafter, by abandoning them, forc'd them to have recourse to. Nay, none were more glad at his calling of a Parliament than his own Friends, as appear'd by the Behavior of the Fleet, which was still intirely his, and never abandon'd him, tho they show'd no great Forwardness to fight against the Prime. Their Commanders upon the News, unanimously address'd to him on the 1st of December, That in the deep sense they had of the great Dangers his Majesty's Person had been in, and of the great Effusion of Christian Blood that threatned these his Majesty's Kingdoms, and in all probability would have been shed, unless God of his infinite Mercy had put it into his Majesty's Heart to call a Parliament, the only means in their opinion under God left to quiet the Minds of his People; They did give his Majesty their most humble and hearty Thanks for his gracious Condescension; and they pray'd God to give him all imaginable Happiness and Prosperity, and to grant that such Counsels and Resolutions might be promoted, as would conduce to his Majesty's Honour and Safety, and to the Peace and Settlement of this Realm both in Church and State, according to the establish'd Laws of the Kingdom. Add here their Joy at Norwich. So unanimous were both Friends and Enemies in their Desires of a Parliament, and in their Reasons for it, that it was the only proper Remedy, and equally the Interest both of King and People to have it, which too we shall quickly find the late King himself owning.

Commanders of the Fleet address'd him upon it.

K.'s Message to the Pr. at Hungerford.

On the 18th of December three Lords came to the Prince, who was then at Hungerford on his way to Oxford, with a Message from the late King, bearing, That he observ'd, that all the Causes of Complaint alledg'd by his Highness seem'd to be refer'd to a free Parliament, which his People being very desirous of, he had issu'd forth Writs for the calling of one; and he was willing to consent to every thing that could be reasonably requir'd for the securing of those that should come to it. That his Majesty had therefore sent them to attend his Highness for the adjusting of all matters that should be

agreed

agreed to be necessary to the freedom of Elections, and security of Sitting; and they were ready to enter immediately into a Treaty in order to it. That in the mean time his Majesty propos'd that their respective Armies might be retain'd within such Limits, and at such distance from London, as might prevent the Apprehensions that the Parliament could be in any kind disturb'd.

The Prince, with the Advice of the Lords and Gentlemen assembled with him, in Answer the next Day made the following Proposals: 'That Papiſts and other Persons not qualify'd by Law, be disarm'd, disbanded, and remov'd from all imployments. That Proclamations against him, or those with him, be recall'd; and any Persons committed upon that account set at liberty. That for the Security of the City of London, and of their Trade, the Tower and Tilbury-Fort be put into their hands. That the respective Armies keep from London 40 Miles. That both of them with an equal number of Guards be at London, or a certain distance from it, during the Parliament, which was left to the late King's Choice. That a sufficient Part of the Publick Revenue be assign'd the Prince for the maintenance of his Troops until the sitting of a Free Parliament. That no further Forces be brought into the Kingdom; and to prevent the landing of the French, or others, Portsmouth should be put into such hands as both of them should agree on.

The Prince, &c. their Answer to it.

These Proposals were for the most part such as the late King had offer'd: There could be no Legal Parliament without putting the Administration in Legal Hands. He had consented that it should be free for all Men to come to it, and therefore Proclamations against any of them were to be recall'd. Portsmouth, Tilbury, and the Tower, were full of Papiſts; and there was such a Ferment, and such Apprehensions of the French and Irish, that it was impossible to quiet either City or Country, without securing of these Places. He was so sensible of this, that but two days before he had put a Protestant Governor in the Tower in the place of the Popish one, who had had the folly to plant several Mortar-pieces on the Walls towards the City, as if the Design had been to burn it; but this instead of frightening them, had enrag'd them. He himself had propos'd the keeping the Armies at a distance; and it was both reasonable and necessary that the Prince's Troops should be maintain'd out of the Publick Revenue, rather than be quarter'd upon the People: besides, this was ask'd but for a short while, that is about five Weeks, till the Parliament should meet: And the Prince's Modesty in asking it, show'd his disposition to keep Measures with the King, for those Counties he was possess'd of were ready to furnish him with Money, or otherwise, more than he needed. Nay, the late King himself, upon his seeing the Prince's Proposals, is affirm'd to have said, *That they were fairer than he could or did expect.*

Their Proposals in substance the same which K. James had offer'd.

So far Matters went fairly on between the Prince, and the late King, and the People. As no Blood was shed after this till the Government was settled, so hitherto the Cause had not cost 100 mens Lives; near 20 had died on the Prince's side, and about 70 on the late King's. It did not appear that any difference could arise till at least the Parliament should meet, much less did it enter into any Man's thoughts that the late King would do as he did. It's true, the Popish Party had talk'd sometime before this of the King's withdrawing; and they were said to have sent from London their unanimous Advice to do it, in a Letter to him at Salisbury, assuring him, that within a Year or two all would be in such Confusion, that he might return and have his Ends of this Nation. But this was not at first generally known, nor much Credit given to it; besides, when this happen'd, the Party judging of the Prince and Nation by what they would have done themselves if they had been in their places, doubted not Proposals of a high nature would have been made to the late King, and not such reasonable and moderate ones as now appear'd. Then the late King seem'd to have got the better, both of himself and of the Party, by calling a Parliament; and he had given his solemn Word to the Prince, and to the Nation, that it should meet; nay, he himself had own'd in his Proclamation, *That a Parliament was the best and most proper Means for establishing a lasting Peace in this his Kingdom.* Which was the Prince's earnest Desire, and the Reason and End of his coming over, and was the Voice and Judgment of the People; so that all three were in so far of a mind. The late King gave also further proofs of the best disposition imaginable for healing Remedies; he would have all Publick Breaches reconcil'd, and the very memory of past Miscarriages obliterated, and therefore allow'd even those that were in Arms against him to chuse and be chosen. Nay, that nothing might be wanting, he had enter'd into the Treaty above-mention'd with the Prince for settling

The late King seem'd fully inclin'd to settle things by a Parliament.

tling the Preliminaries in order to a Parliament, and very fairly offer'd to *consent* to every thing that could be reasonably requir'd for the Security of the Members; nay, even for preventing mens Apprehensions that the Parliament would be interrupted, or any manner of way disturb'd. And so earnest was he in this, that in his Proposals to the Prince he express'd his concern, that the Meeting of the Parliament might be no longer delay'd than it must be by the usual and necessary Forms. Now when this is consider'd, was it to be reasonably suppos'd, that the late King would have gone as he did? But after all, as the saying is, he has a good Bett of it that lays on Nature's side.

Had resolv'd to go before he receiv'd the Prince's Proposals.

The Proposals from the Prince in answer to his, were brought to him on the 10th of December, and he made no Exceptions to them. The truth is, he had not waited for them, but had resolv'd to go before he got them; how long before it's hard to know. The Discourse of the Party, and the Story of the Letter appear'd now to be well-grounded. My Lord Melfort his Favorite Secretary, and others, had been some days gone; the Pope's Nuncio and some more went the Night before. The Queen, the Child, and Father Peters, &c. were gone that Morning at three a Clock; and it was generally believ'd then, that the Queen at parting got a Promise of the King to follow her; and the first News from France did bear, that he was expected there every Tide. The best judgment to be made of the late King upon this occasion, and indeed during his whole Reign, is, that he was scarcely ever Master of himself, but was pulled to and fro by the Whispers of little People, who flatter'd his Zeal and Humour, so that no reasonable Account is to be expected of many of his Actions.

Before he went, order'd the Writs not sent out to be burnt.

The Message to the E. of Feversham to disband the Army.

The same day, in order to his going, he order'd the Writs for the sitting of the Parliament that were not sent out, to be burnt; and the Seals, which were found some time after in the River, it's believ'd were by order thrown into it that Morning when the late Queen pass'd it: and at the same time he wrote to the Earl of Feversham to disband the Army. He says, *That he had been forced to send away the Queen and his Son, that they might not fall into the Enemies hands; that he was oblig'd to do the same thing himself, in hopes that God would touch the Hearts of this Nation again with true Loyalty and Honour—That he and several others of the General Officers had thought it always advisable for him to fight—That now there remain'd only for him to thank him the Earl, and others that had stuck to him. He hop'd they would retain their Fidelity to him, and keep themselves free from Associations, and such pernicious things: but did not expect they should expose themselves by resisting a Foreign Army and Poison'd Nation. Upon this the Earl disbanded such Forces as he had with him, of whom many being Irish, they were let go with their Arms. This gave great Alarms, and was the occasion of much Disorder, and was like to have involved the Nation in Blood; which if it had happen'd, it would have gone hard with that Earl. He wrote immediately to the Prince that he had receiv'd a Letter from his Majesty, with the unfortunate News of his Resolution to go out of England; he meant, the News of his unfortunate Resolution, for such all his Friends that were Men of Sense, and most of his Enemies too, did reckon it, and such indeed it has prov'd to himself. He adds, *That he thought himself oblig'd, being at the head of his Army, and having receiv'd his Orders that he should make no opposition against any body, to let his Highness know it as soon as was possible, to binder the effusion of Blood. But the danger of Blood was from an Army disbanded with Arms and without Pay; he should have written before he had done this, but he own'd he had already done it, and that it should be the last Order they should receive from him. Disbanding to an Army is indeed the last Order.**

Did abdicate his Army.

Thus the late King did plainly abdicate or abandon his Army; for without their Arrears they could not separate, unless it was to be Highway-men: And since he was to go, we could not be without a Government and a Governor, one or other; and no Government would suffer an Army without Allegiance to it. So that he put them under an inevitable necessity of starving, if they did not rob and plunder, which it seems was intended, or of submitting as they did to a Foreign Army and Poison'd Nation (as the late King call'd the Dutch, and those for the Prince) upon Assurances given them by the Lords of Subsistence, and the Prince's continuing them thereafter in pay.

Went privately down the River.

The next Morning about three of the Clock, the late King stole down the River in a small Boat, leaving, according to the Advices given him, his People in all the Confusion imaginable: the Queen and Child had been sent away before, with others that could be suppos'd to be in the Secret of the Birth, to render an Inquiry into that Matter impracticable; for the Party had own'd in their Reflections

tions on the Bishops Proposals, that it was not thought fit to have that Business in-
quir'd into in Parliament. The Seals were thrown into the River, the Writs for a
Parliament burnt, and the Army as we have heard disbanded. All this was evidently
done to force the Nation upon extraordinary Methods, about which he hop'd, and
had indeed Reason to hope, as quickly appear'd, that they would divide and fall
into those Disorders, upon which he was told he might return and have his Ends of
them.

But in this he was much deceiv'd: for it pleas'd God that his withdrawing, tho'
calculated to divide them in his Favour, contributed more to unite them against
him, and in their Resolutions about a new Settlement, than any thing could have
done that the Heart of Man was capable of devising; so far are God's Ways above
mens Ways: for as soon as his going came to be known, that part of the Nation
that had stuck firm to him, being filled with Indignation and Amazement, imme-
diately apply'd to the Prince. The principal Officers of his own Army about
Town, and who had not forsaken him, met at ten of the Clock the same Day at
Whitehall, and sent an Express to the Prince to acquaint him, that the King was gone,
and to assure him that they would assist the Lord Mayor to keep the City quiet till his High-
ness came and took the Soldiery into his Service.

*His going
caus'd those
that
cleav'd to
him to send
to the
Prince.*

Much about the same Hour the Lords Spiritual and Temporal about the Town
came to Guildhall, and sending for the Lord Mayor and Aldermen, agreed on
a Declaration, which among other things bears — 'That they did reasonably
'hope that the King having issued out his Proclamation and Writs for a Free Par-
'liament, they might have rested secure under the expectation of that Meeting:
'But his Majesty having withdrawn himself, and, as they apprehended, in order
'to his departure out of the Kingdom, by the pernicious Counsels of Persons ill-
'affected to the Nation and their Religion, they could not, without being want-
'ing to their Duty, be silent under those Calamities, wherein the Popish Counsels,
'which so long prevail'd, had miserably involv'd these Realms, They did there-
'fore unanimously resolve to apply themselves to his Highness the Prince of Orange,
'who with so great Kindness to these Kingdoms, so vast Expence, and so much
'Hazard, had undertaken, by endeavouring to procure a Free Parliament, to rescue
'them, with as little effusion of Christian Blood as possible, from the imminent
'Dangers of Popery and Slavery; and declare, that they will with their utmost
'Indeavours, assist his Highness in the obtaining such a Parliament, in which their
'Laws, and Liberties, and Properties, and Religion, might be secur'd — and
'the Protestant Religion and Interest over the whole World supported and in-
'courag'd, to the Glory of God, the Happiness of these Kingdoms, and the Ad-
'vantage of all Princes and States in Christendom that may be therein concern'd
'— And such a Parliament they would endeavour to have with all speed, they
say; and so it seems were resolv'd not to wait till King James's Return.

*Ld Mayor,
&c. their
Declaration
on his go-
ing away.*

It was sign'd by 31 Lords and Bishops, and sent to the Prince by four of their
Number: amongst those that sign'd it, were the firmest Friends the late King had,
of which they had given him great proofs before; and the behaviour of many of
them since makes it evident, that he abandon'd them and not they him. The truth
is, they and others that met with them after in greater Numbers, did not think that
they depriv'd the late King of his Right, which even the Prince own'd before he
went, by treating with him as a King; nor did they make the Throne vacant: but
they believ'd that the late King had thrown up his Right and quitted the Throne,
or sure they would not without his Consent have seiz'd on the Administration of the
Government, dispos'd of the Revenue, given Orders to the Soldiery, secur'd his
Chancellor, taken possession of the Tower, and offer'd the Exercise of the Supreme
Power to the Prince of Orange, all which it's known they did. It's true, some of
them after this, hearing that the late King was stop'd, and ill us'd by the Mob,
sent four of their Number to invite him back; but this was done by a very few,
and those mix'd with others of his Council and Ministry (for three of the four
sent had not been at Guildhall) and was rather the effect of their Compassion than
of any other Consideration. They knew they had done enough to lose their
Heads if he had recover'd his Throne; and it seems they still consider'd themselves
as in an Inter-ign, since they continu'd to give Orders without any Authority from
him, even after they knew that he was not gone.

*Sent to the
Prince.*

This Declaration of the Lords was follow'd the same Day by two Addresses to the
Prince, one from the Lord Mayor, Court of Aldermen, and the Common Council;
and the other from the Lieutenantcy of London. The first bears 'Thanks to God
'Almighty

*Ld Mayor,
&c. address
the Prince.*

Almighty for having blest his Highness's Endeavours with miraculous Success, and Thanks to his Highness for appearing in Arms to rescue these Kingdoms from Slavery and Popery, and to establish in a free-Parliament their Religion, Laws, and Liberties, upon a sure and lasting Foundation. That they had hitherto look'd for some Remedy for those Oppressions, and imminent Dangers, from his Majesty's Concessions, and Concurrences with his Highness's just and pious Purposes express'd in his Declaration. But herein finding themselves finally disappointed by his Majesty's withdrawing himself, they presum'd to make his Highness their Refuge; and in the name of the Capital City they implor'd his Protection, and beg'd that he would repair to the City, where they assur'd him he would be receiv'd with Universal Joy and Satisfaction, as quickly after happen'd. The Lieutenantcy or Militia of the City, in their Address expressed the deep Sense they had of what they ow'd to him: 'That without his Undertaking they had been undone; that it was their firm Resolution to venture all that was dear to them to attain the glorious Ends of his Declaration: That they had put themselves into such a posture, as with the blessing of God was sufficient to prevent all ill Designs, and to preserve the City in Peace till his Arrival; which they desir'd he would hasten, for the perfecting the great Work which he had so happily begun, to the general Joy and Satisfaction of them all. How well this Lieutenantcy stood affected to the late King, and had prov'd firm to him till now that he abandon'd them, is known.

Late King's
going away
made People
resolve
on new
Measures.

These Applications, prepar'd immediately upon the late King's being gone, and by Bodies of Men of the greatest Interest in the Kingdom, and which comprehended the Generality of those that were best dispos'd towards him, were a plain Proof how his withdrawing himself was understood. The Knowledge of it did at first astonish all Men, but this after a few hours ended in a new turn of Thoughts. They had been thinking hitherto how to reform or retrench him, so as to be secure under him: now they were convinc'd it was a desperate Work, and that the first step to true Security was to take him at his Word, and abandon him as he had abandon'd them; in a word, to resolve to have no more to do with him, since he himself made it evident that nothing was to be done with him. The Lords own'd that relying on the late King's Word, they had rested secure under the Expectation of a meeting of a free Parliament, but that by the pernicious Counsels of ill affected Persons, his Majesty had withdrawn himself in order to depart out of the Kingdom as they believ'd; and therefore they would with their utmost Endeavors assist the Prince in obtaining a Parliament with all speed, by which not only Matters should be put right in England, but the Protestant Religion supported all over the World, and the true Interests of the rest of Europe pursu'd. The City declares, that they had look'd for Remedies from the late King's Concessions, and Concurrences with his Highness's Purposes to have a free Parliament, for the establishing their Interests upon a sure and lasting Foundation; but finding themselves finally disappointed in this by the King's withdrawing himself, they therefore made his Highness their Refuge, and implor'd his Protection; and the Lieutenantcy desire him to go on, and perfect the great Work which he had so happily begun. The meaning of all this is plain, that the Throne was vacant, and must be fill'd. How could the Work be perfected without a Parliament? and how could there be a Parliament without a King? and was King James to be this King? The Applications should then have been to him to come back. Could that be the meaning of the Lords, by those utmost Endeavors and Assistance which they offer'd his Highness for obtaining a Parliament, and obtaining it with all speed, and such a Parliament as they and the City mention, that was to establish Matters upon sure and lasting Foundations, and to make England and all Europe happy? Was it to meet and do this under the late King? No, they knew that was impracticable, and ridiculous to expect it. The Lords, the City, and all Men of Understanding, saw on the sudden (before there was time for narrow Thoughts, and private Ends, which did after divide them as to the Manner) both what was to be done, and how it was to be done.

By his going
away he
abandon'd
the Govern-
ment.

Thus what happen'd on the late King's part after the 11th of December, when he abandon'd his Throne and People, and dissolv'd the Government as much as in him lay, and the Nation thus abandon'd had submitted to the Prince, deserves no Consideration. Had he come back voluntarily, and with a design to assume the Government, and to call a Parliament a third time, the Nation would have been provok'd to lay him aside, as not right in his Mind, or at least as subject to a Levity of Spirit that render'd him incapable of Government: however some-
what

somewhat might be said for him in this case. And therefore to show that his coming back was a Force upon him, and that he still persisted in the same deserting Mind, the matter of Fact was as follows.

A part of the Mob which rose every where upon his disappearing, rambling to and fro in search of suspected Persons, by accident seiz'd on him and some others on the 12th of December, in a small Vessel that had put in upon the Coast of Kent for Ballast: they us'd him ill at first till they knew him, and then those of Power in the County came to him; and his Servants and Guards having got about him, he return'd from Rochester to London on the 16th, but still apprehended, it seems, that he would not be let go; for his ordinary Discourse to those about him was, that the most acceptable Service they could do him, was to facilitate his Departure. And in his Letter to my Lord Feversham the first time he went away, he said, he did it that he might not fall into the Hands of his Enemies; and the Reason he left behind him for his second going was, that he would not expose himself to be secur'd. The Prince, who came to Windsor on the 15th, had sent Monsieur Zulestin, now Earl of Rochfort, to desire the late King to continue at Rochester; but he missed him, and my Lord Feversham was sent by him to the Prince, to desire him to come to St. James's: which being refer'd to the Lords and others then at Windsor, it was judg'd necessary, for the quieting of the City, that the Prince should go thither, and have his Guards with him. But to prevent all Occasion of Blood, it was not thought fit that the late King and his Guards should be there at the same time: and therefore a Note was sign'd by the Prince, desiring three of their number to tell the King, *That it was thought convenient, for the great quiet of the City, and the greater safety of his Person, that he should remove to Ham, where he should be attended by his Guards, and preserv'd by them from any Disturbance.* *The Pr's Message to him to retire to Ham.* The Reasons of this were, that then Mens Spirits were in an extraordinary Ferment; and there were such Disorders and Alarms, that it was not easy to imagine what all would turn to, all which had follow'd upon the late King's withdrawing himself. The Mob, that upon this rose in the City and every where else in great numbers, grew so ungovernable, that the City it self began to apprehend the Consequences. Then upon the disbanding of the Army, the Alarm was brought to the City in the night time, and was after spread all over England, that the Irish had begun a Massacre. This put the People in a great Fright, and made them arm every where: during this Ferment the late King being return'd to White-hall, the Irish and other suspected Persons that took heart, resorted to him in great numbers, and grew insolent. And he, according to the usual Prudence of his Advisers, did what he could it seems to encourage them, for the few Orders he gave during his stay at London were in their favor. All this could not fail to heighten the Frights of some, and the Indignation of others; so that it is to be imputed to the singular Goodness of God, and the Gentleness of the People of England, that no Blood was shed upon this Occasion, nor the Roman Catholics every where cut off. Besides, the Rencontre the Duke of Grafton met with, shew'd the desperate Temper that Men were in; and was a warning to those about the Prince to take care of his Person. The Duke marching thro the City, at the Head of a Regiment of the late King's Guards, to take the Fort of Tilbury out of the Hands of the Irish, by order of the Lords met in the late King's Absence, an Irish Trooper came riding up to him, and drew a Pistol upon him, but he was prevented and shot dead upon the place. The Peers at Windsor, upon these Considerations, resolv'd as above; and having committed my Lord Feversham, who had given rise to all these Disorders by his hasty disbanding of the Army, thought fit to hasten the Prince's Guards to take possession of the Posts about White-hall, the King's Guards being to attend him at Ham: but it being bad weather, those Guards got not thither till ten at night; and the Guards on Duty not being willing to dislodg, it was later before that matter was settl'd. And it's true, that the late King was in bed before the Lords could come to him with their Message; for which, whatever Apology they made, the State of Affairs that did not admit of Delays was the true one: he agreed at first to go to Ham, but after prefer'd Rochester, and went thither the next day being the 18th; and on the 23d about one or two in the Morning went privately to Dover (leaving even those in his Bed-Chamber asleep) and there embark'd for France.

The Paper of Reasons for his going then, which he left behind him, bears, *That the World could not wonder at his withdrawing himself this second time.* Their Wonder indeed was at his first withdrawing, and why he never gave any Reasons for it, *Late K's Reasons for his 2d going away of consider'd.*

of which the second was but the Continuation and Consequence.—*He complains of the Usage he had met with, notwithstanding his Letter to the Prince—of the Commitment of my Lord Feversham—of the sending the Dutch Guards at eleven at night, &c. without advertising him of it ; of sending to him about Midnight, when he was in bed, a kind of Order to quit his Palace before 12 the next day ; and demands what he was to expect, or how he could hope to be safe, so long as he was in the Power of one that had thus us'd him.* But besides that he had brought all this Usage upon himself by his first going, that Going having put matters into such a Ferment and Disorder, as allow'd not time for deliberate Methods, or for those measures of Civility and Respect that otherwise would have been kept with him ; these Reasons (supposing them sufficient and good, which they were not) could not be given, nor are they given for his first withdrawing, of which they were the Consequence and Effect. The next Reasons given are, *The Invasion of his Kingdom without any just Cause, The Aspersions thrown on him in the business of his Son.* But as the other Reasons were too young, these were too old ; he had since the Rise given to them, engag'd to call a Parliament, and entred upon a Treaty in order to it. *He hopes still to venture his Life for his Country, and to redeem it from the Slavery it was like to fall under ; and therefore did not think it convenient to expose himself to be secur'd, that he might be at the Liberty to effect it, and for that reason did withdraw.* But how did the danger he was in of being secur'd appear ? Was he ever under any Constraint but by the Mob, which was only to keep him from going ? Had not the Dutch Guards (whom he desir'd himself to attend him to Rochester when he might have had his own) orders to obey him in every thing, and was he not while in their hands let go ? Men are hard put to it for Reasons when they may not give the true ones. It was fair dealing, since this was the Case, to give none for the first withdrawing, rather than false ones ; and therefore none should have been given for the second neither : for the Reasons for the first withdrawing, which it was not fit to publish, were the Reasons for the second too ; but the Party would not lose the colour of Reason, which the Usage the late King had met with gave them, tho it came too late to their purpose.

The Prince receiv'd at St. James's with great Joy.

The same day that the late King left London, the Prince came to St. James's, where he was receiv'd with all the Demonstrations of Joy imaginable ; and two days after, that is on the 21st, he gave Orders for the quartering of the late King's Army, and for calling in the Arms of such as had dispers'd themselves. The same day a great Council of the Nobility being held at St. James's, the Prince told them that he had desir'd them to meet, to advise the best manner how to pursue the Ends of his Declaration, in calling a free Parliament, for the preservation of the Protestant Religion, and restoring the Rights and Liberties of the Kingdom, and to secure the same in time to come. These Proposals were debated the next day in the House of Peers, where were present all the Lords Spiritual and Temporal that were near, and five Counsellors at Law, that were order'd to attend for their Advice. These Peers, by their Address on the 25th, desir'd his Highness to take upon him the Administration of publick Affairs both Civil and Military, and the Disposal of the publick Revenue, for the preservation of their Religion, Laws, and Liberties, and of the Peace of the Nation, and that he would take care of the present Condition of Ireland. All which they made their request to his Highness to do, till the meeting of the intended Convention the 22^d of January following, in which they doubted not but such proper Methods would be taken, as would conduce to the Establishment of these things on such sure and legal Foundations, that they should not be in danger of being again subverted.

Desir'd by the Peers to undertake the Administration of Affairs.

And to send his Letters for the Meeting of a Convention.

And in order to the meeting of the said Convention, they desir'd him to sign Letters to all the Lords who had right to sit, and to the Corporations to whom Writs us'd to be issu'd for proceeding to Elections. All those too that had serv'd in any of the Parliaments of King Charles II. with the Mayor, Aldermen, and others of the Common-Council of London, having attended the Prince at St. James's, and from that repair'd to the House of Commons, concurr'd with the Lords in their Addresses, and presented them to the Prince, who gave both the Lords and them the same Answer: That he would endeavor to secure the Peace of the Nation till the meeting of the Convention ; That he would apply the Revenue to the most proper Uses, and take all the Care he could of Ireland. And he assur'd them that as he came to preserve their Religion, Laws, and Liberties ; so he would be always ready to expose himself to any hazard for the defence of the same. After this the Prince gave Orders for continuing the Administration in such legal hands for the

His Answer to their Address.

most

most part, as he had found it in. And both the late King's Fleet and Army being taken into pay, Care was taken for collecting the publick Revenue, and Money was borrow'd of the City for the present Necessities. But above all things he took particular Care that the Elections should be carry'd on with all possible Freedom, not only without Violence and Threatnings, but even without Recommendations, or any sort of Practice how usual or innocent soever; and therefore the Forces were remov'd to certain Distances from the places of Election. The like Care secur'd the Liberty of the States when they met on the 22^d of January; every Man argu'd and voted in the great Deliberations then on foot with all Freedom and Safety. No Methods were us'd by the Prince or any in his name, to prevail on those that seem'd still to adhere to the late King's Interests. Nay, Men were left so intirely to their own Judgments and Inclinations, that to interpose so little was reckon'd at that time a Remissness, and a hazarding the Publick too much. The Prince would not so much as suffer the Convention to be sollicit'd in his favour by Petitions from the People, as appears by an Order of my Lord Mayor, publish'd at the Prince's Desire, to keep the Citizens of London from such sort of Applications.

He took Care of the Freedom of the Elections.

And of the Liberties of the Convention which met Jan. 22.

Upon the Meeting of both Houses the Prince wrote to them,—— That he had endeavour'd to the utmost of his Power, since the Administration of Affairs was put into his hands, to perform what was desir'd of him—— That it now belong'd to them to lay the Foundations of a firm Security for their Religion, Laws, and Liberties—— That he doubted not but that by such a full and free Representative of the Nation as they were, the Ends of his Declaration would be attain'd—— That Union and Dispatch were necessary, because of the condition of Ireland, of the present State of Affairs abroad, and of the danger the United Provinces were in, who could not be long without their Troops. In answer to this Letter, both Houses the same day by their joint Address presented to the Prince at St. James's, declare themselves highly sensible of the great Deliverance of this Kingdom from Popery and Arbitrary Power, and that their Preservation next under God was owing to his Highness; to whom they return'd their most humble Thanks and Acknowledgments, as the glorious Instrument of so great a Blessing. They further acknowledg'd his Highness's great Care in the Administration, and desir'd him to continue to take it upon him, till further Application should be made to him by them, which they would expedite with all convenient speed. The Prince's Answer to them was, That he was glad that what he had done had pleas'd them; That he would at their Desire continue the Administration; That he must recommend to them the Condition of Affairs abroad, which made it fit for them to expedite their Business, not only for making a Settlement at home upon a good Foundation, but for the Safety of all Europe. After this the Houses order'd a day of publick Thanksgiving to God, for having made the Prince the glorious Instrument of their great Deliverance.

His Letter to both the Houses.

Their Thanks for the same.

On the 28th of January the Commons pass'd the following Vote: ' That King James II. having endeavour'd to subvert the Constitution of this Kingdom, by breaking the Original Contract between King and People; and by the Advice of Jesuits and other wicked Persons having violated the Fundamental Laws, and having withdrawn himself out of this Kingdom, hath abdicated the Government, and that the Throne is thereby vacant. This Vote occasion'd several Conferences between the two Houses, which ended at last in the Lords assenting on the 6th of February to the Vote as it is here.

Vote of the Commons about K. J's Abdication.

It's now high time to make a stand, and to take at once a full View of this Vote, and of the Clamour and Noise that have been rais'd about it; for the Objections to it being founded on a gross and wilful Mistake, deserve no better Name, whatever plausible appearance they may have. ' Upon what Foundation of Justice or common Sense (*says King James in 1692.*) could the Faction in England treat this Escape of ours out of the hands of our Enemies, in the Stile of an Abdication, which signifies a free and voluntary Resignation? and what a strange Superstructure have they rais'd upon this? These Transactions are a Reproach to the English Nation, and the Grounds upon which they are built, are too vain and frivolous to deserve a Confutation. And as the Memorials have it: They (the P. of Orange and his Friends) rais'd his People against him by false Reports and perfidious Calumnies: They entred his Dominions with Sword in hand; they forc'd him, for the Safety of his Life, to retire into France, from whence he went quickly into Ireland, and yet by a manifest Contradiction they stil'd his forc'd Retreat,

K. J's Objections against the said Vote.

an Abdication and formal Renunciation of the Crown, which upon that ridiculous Pretence they declar'd vacant. There is no Man of Sense but sees, that this is ridiculing all Sovereigns, and adding a scornful Provocation to the most enormous Injustice imaginable. It is not necessary to add further Instances of this kind, no more than of their exploding of the Original Contract, and the pretended Breach of it, which they say was design'd for no more than a Popular

Flourish.

The Vote
shew'd the
Spirit and
Honour of
the Nation.

This Vote shew'd to all *Europe* the Wisdom and Spirit of the Nation; and so much the greater pity it is, that little care hath been taken to maintain it intelligibly abroad, and in every respect such as it was, an Honour to *England*. Not that it is obscure, or any way defective in it self, or that any thing said against it is strong and solid at bottom; but the Party hath been suffer'd to imploy all their Spirit in ridiculing and exploding it without controul; and Appearances set off with Wit and Art, will at last, if let alone, get the better of things, especially among those, who being under no ties to dive into such Matters, may be allow'd to be impos'd on by bold Assertions, and plausible tho false Colours, that are not contradicted or remov'd. If the doing this seem tedious, he that needs it not may pass it over; and others will be pleas'd to consider, that the better things are upon which Dirt is thrown, the trouble is the greater to clean them.

The Words
of it pro-
per to the
Purpose de-
sign'd.

This is not the Place, nor is it worth the while to dispute about words, if what is meant by them be clear; and the Convention shew'd their Wisdom in not being nice about Words, since that was of use to unite them in Things. But no Apology is necessary, the Words are proper, and signify all that was intended to be signified by them.

What
meant by
the Original
Contract.

By the Original Contract was meant, the Agreement that had always been between the Kings and People of *England*, that the Government should be a Legal Government. When this Agreement was first made, and the particular Form and Nature of it in its Infancy, are things as obscure as the beginnings of Governments: but Vestiges of it are to be found as far back as we can go, and it may be traced down thro the whole History of *England*, and of the many Wars and Revolutions that have happen'd, to make it good, and in which Kings suffer'd expressly for breaking it. Besides, the thing it self is obvious every where in the frame of the Government; for how came it to be a Bounded Limited Monarchy, but that Bounds and Limits were agreed on? and whensoever this was first done, the Original Contract had then its Rise and Birth. As to the nature of this Contract as it stands at present, King *James* the First shows where to find it, when he tells us, that he and all *English* Kings are bound to govern according to the *Paction* made with the People by the Laws, so that in his Judgment every *Englishman* shows a Copy of it when he shows his Freehold; and a very authentick Copy of it may be seen in the old Forms of the Coronation, at which the King was ask'd if he would govern according to Law? and the People were ask'd if they were satisfy'd he should be (*viz.* upon these Terms) their King? and both agreeing, he swore it, and they did him Homage upon it. So that the Coronation Oath, and Oath of Allegiance, are the Seals of this Contract. The Constitution comprehends the particular Form and Nature of the Legal Government, in which the King and People are at any time agreed; which was the same with the Original Contract at first, and was express'd in the antient Fundamental Laws made about that time, but which have been explain'd, and enlarged or restricted by the subsequent *Magna Charta*, and all other Laws made since, to clear and fix the Bounds of Liberty and Prerogative. Thus to subvert the Constitution, To break the Original Contract, To violate the Fundamental Laws, are Expressions that clear and strengthen one another, and not empty Repetitions as is pretended. But allowing that the Vote abounds in Words, and that some Men cannot or will not understand this Original Contract, yet the Thing meant by the Vote is otherwise plain, and if few words please, is briefly express'd in the Act of Settlement, That King *James* did endeavour to subject and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom. Which sure is intelligible enough.

Abdication
what it is.

To abdicate a Government, is either to lay it down when one is forced to it, or to abandon it voluntarily; and there is a third Sense, tho not so ordinary as the other two, in which one is said to abdicate, when he discovers a Design rather to destroy than to govern. He that first wrote for the late King on this Subject, and others after him, affirm, that to abdicate an Office, always supposes the Consent of him who quits it; and for this they appeal to *Tully*, *Livy*, *Salust*, and *Grosius*.

time. But it's evident by the first three, that the Senate of *Rome* often gave Orders to a Magistrate to abdicate, as in the known Case of *Lentulus*: and *Grotius* (whom they thus allow to be a proper Judge) a few Lines from the Place they condescend on, uses the Word in the third Sense, in which there is no quitting at all. And therefore if the Convention had not mention'd the late King's withdrawing himself, but had declar'd him to have abdicated the Crown, as the *Scots* did that he had forfeited it, merely because of his Design and Endeavours to destroy the Government; they had not us'd the word improperly, whatever other Objections might have been made to such a Method; for the avoiding of which, and the satisfying all Parties, the Convention it seems join'd the third and second Sense together, that he having done such things, and having withdrawn himself, had therefore abdicated the Government.

Now to come to the Thing it self, the Case must be truly stated to find out the precise Point where Matters stuck between the late King and his People.

The Quarrel with King *James*, was not that he was violent in his Zeal for his Religion, and had been taking Measures for extirpating the Religion of his People; or that he was of an arbitrary Temper, and addicted to the *French* and *Irish* as proper Instruments to make him absolute. This was indeed the Objection the Nation had to him when he was Duke of *Tork*, and for which they would have prevented his being King by an Act of Exclusion, which they might have legally done if King *Charles* would have consented to it; for then he had properly no Right to the Crown, but only a Claim that was subject to the King and Parliament: however King *Charles* dying without consenting to the Exclusion, his Right to the Crown was good, and was acquiesc'd in with great Harmony and Applause, as the Memorials have it; which shews that there was no more any Quarrel with him upon the account of his Religion, because he had now a Right; and no Man loses his Right in *England* for his Persuasion: and it shows too the good Nature of the People, and the Regard they have to Law; for they might as well have oppos'd his taking Possession till he had chang'd, as the *French* oppos'd *Henry* the Fourth, and as any other Popish Nation in *Europe* would have oppos'd a King of a different Persuasion from theirs. Besides, they had other Reasons to have ask'd more than ordinary Securities of him; but instead of this they resolv'd to gain him, if that was possible. And tho he began with continuing the Customs by a Proclamation against Law, and by continuing the Excises by a trick without Law; and tho he had broke in upon the Freedom of Elections more than any King had ever done before him; yet the Parliament when it met, resolv'd to pass over all this, and to carry the Experiment of fair Means as far as it would go; they gave him the Revenue during Life, and all the Assistance that he could ask against *Monmouth*, whom they made a stretch to attain upon the notoriety of his landing, without other Evidence; and they told him that they would trust to his Word for the Security of their Religion. To his Word even in the Year 1685. in which the trusting to the Words and Oaths of Popish Princes, proved so fatal to the *French* Protestants, and those of *Piedmont*; and a Year that did forebode nothing but Ruin to the whole Protestant Interest: for as he, a Popish Prince, got then on the Throne of these Kingdoms, so the *Palatinate* too fell about that time into Popish hands. However when the Parliament met a second time, their Inclinations were still to gain the King, by conniving at what had pass'd in the Interval; in which, upon the defeat of *Monmouth*, the Party had glutted themselves with Blood in a barbarous and inhuman manner. The great Slaughter made in the Field, seem'd but to have rais'd their Appetite; near as many died afterwards by the hands of Executioners, and for the most part without the previous Forms of Executions. All which his Majesty, with a great deal of good Humour, call'd *Jeffery's Campagne*, and took such pleasure in giving an Account to the Foreign Ministers of this *Jeffery's* Exploits, that is, of his barbarous Brutalities, that even they were asham'd of it; and *English* Ears had not been accusom'd to such Accounts, much less their Eyes to see such things done. Nay, it seem'd the Priests had conceiv'd Hopes of *Hæretico comburendo*, and to bring the Faggot in fashion again; for nothing less would satisfy to conclude this Tragedy, than the burning of two old Women, who out of Charity and Compassion had conceal'd or assisted some of *Monmouth's* Party, and that not to foment a new Rebellion, but in order to their escape: and the Proofs were defective or invidious, for it did not appear that one of the Women knew at first that those in her House had been concern'd; and when

Wherein the Difference between the late King and People did consist.

the

he knew it she left them, and sent them Orders to be gone; and the Wretch whom the other had assisted, was both the Informer and Evidence against her. Even with this Spirit that Parliament could bear; so hitherto there appear'd no Difference or Misunderstanding between the King and them: it did indeed now begin, for he open'd the Session with a Speech that open'd even their Eyes, tho they would have kept them shut with all their hearts. He told them that he had found how insignificant the Militia had been, which made him resolve to keep up an Army; and that he had employ'd some who had not taken the Test, being assur'd of their Loyalty, and that he would neither affront himself nor them in turning them out. This was plain dealing; an Army in time of Peace without any occasion for it, and an Army intended to be compos'd of Roman Catholicks, without any regard to the Law about the Test, that was now the main Fence, gave an Alarm that he was never after master of. Upon this they address'd and offer'd an Indemnity for what was past, but ask'd the maintenance of the Laws for the time to come; to which an angry Answer was given, and afterwards they were prorogu'd, and so on for near a Year and a half: which time being employ'd in taking with the Members, to no purpose, all the Methods that us'd to work on mens Hopes or Fears, they were at last dissolv'd. Then the Party proceeded to all the Irregularities above-mention'd, the declaring of the Dispensing Power; the setting up of the Ecclesiastical Commission; the suspension of the Bishop of London; the turning out those of Magdalen College; the Imprisonment and Trial of the Bishops; the sending Embassadors to Rome, and admitting of a Nuncio from it; the setting up of Popish Schools and Chappels; the filling the Vacancies both in the Army, Church and State, with Roman Catholicks; the modelling the Corporations by procuring more Surrenders of Charters, and making new Regulations, and the closetting People in order to another Parliament; and above all, the corrupting of Justice by practising upon the Judges, and endeavouring to terrify Men by stretches in Trials for odd and unknown Crimes. Thus the Design went on, till the Prince's Preparations gave the King the Alarm; then on the sudden he made a stop, and in the fright resolv'd to redress Matters. The Nation ask'd no better, and were willing to pass over all that had happen'd, so good were they; but the difference arose as to the manner of this Redress, and here Matters stuck, for he would not, and they could not yield. The King would do all himself and without a Parliament, that he might undo it again when the Danger from the Prince should be over: The People would have it done in Parliament, that it might be no more in the King's Power to undo it. He chose rather to throw all up and retire, than do this: They chose rather to have recourse to extraordinary Methods, than not have this done; and both had their Choice. This is the plain State of the Case: so that the precise Point of difference was, That King James would not consent to have matters redress'd in Parliament; he had before he went abdicated or renounc'd to be King, by doing things which shew'd that he had laid down the mind of being a Legal King: but his People were willing to pass that over, and to recover in him again this Mind, without which he could not be their King. And for a proof of this, and for their own Security, they press'd to have Matters redress'd by him in a Parliament, but he rather than consent to it would be gone. Upon this he is declar'd to have abdicated the Government, not (strictly speaking) because of what he had done, nor because of his withdrawing himself; but upon the narrow point where Matters stuck between him and his People, *That he having done such things, and being urg'd to redress them in Parliament, had chosen rather to withdraw himself, than to consent to such a Redress.*

*K. James's
Abdication
was of the
highest na-
ture.*

Now were there any stronger Word than *Abdicate*, that did not signify barely a King's renouncing to be King (one may often do that very commendably, both for his own Ease and the Benefit of his Subjects) but which being incapable of a good Sense, imply'd the bad Designs and ill Mind of him that did it, and his Aversion and Enmity to his People in the manner of it, there were here matter enough for the use and signification of such a Word in its full Extent; for this is not only a voluntary Abdication, but a criminal one. Abdications transacted by formal Renunciations, contain indeed express and absolute Declarations of the Minds of those that make them, that they will upon no Terms govern any longer; but all this is amicable and harmless, and there is no bar put to the Peoples receiving their Prince's again to govern them, if they should happen to change their Minds before the Vacancies be filled. But here is an Abdication stronger than if it had pass'd in Words, it consists in Facts that cannot lie; and tho those Facts contain no Declaration

claration of a Mind to govern no longer upon any Terms whatsoever (for he whose Facts they are, would continue to govern with all his Heart upon his own Terms) they contain a Declaration of a much worse Mind, for he chuses not to govern at all, rather than be tied to do it according to his Oath and Duty. So here is an Abdication with a witness, that carries in its Bosom an eternal and irreparable Breach, an Enmity and Alienation that are irremovable, and which even the Design to return, aggravates and renders more criminal: since it is not to return to a good Mind, which it's now evident the late King never had with regard to the People of *England*, and which no Man acquires at his Age; but to prosecute his old Mind, which no State nor Condition, high or low, can make him part with, as will appear.

All this is undeniable, if the Case be truly stated; and that it is so stated will be yet more evident, if we take a closer view of what has been already (tho more diffusely) related.

In *September*, when King *James* first believ'd the Design from *Holland*, he resolv'd on a Parliament, trusting to his Regulations and Closettings, and some trifling Concessions that he then made; but he quickly perceiv'd that the Spirit of the Nation was already up, even upon the hopes of the Prince's coming, and that the Parliament if it met, would redress Matters in good earnest: and therefore he being equally averse both to the Prince and Parliament, recalls the Writs; upon which the People press him more and more for new Writs, that all might be calmly redress'd and settled in a Parliament; but he to delude them, at least so far as to keep them from joining, enters into a course of redressing Matters himself, which he pursues with Concessions upon Concessions. But when he saw that this would not do, and that nothing but a Parliament would satisfy the Nation, he betook himself to his Forces, whom he had increas'd and put in order, with all diligence imaginable: when these fail'd him too, and that his own Blood and Household left him, to try if that could move him and bring him to a right mind, instead of this, he resolv'd to be gone; and in all appearance his calling of a Parliament in *November*, and his entering into a Treaty about it immediately before he went, were only a Grimace to gain a little time.

So here is a King, who having, contrary to his Oath and the nature of his Power, invaded the Rights of his People, they, with his assistance to whom it belong'd to see Right done them, prov'd too strong for him, but take no advantage of him, ask no reparations for the Injuries done them, are willing to forget what is past, and barely demand that they may be restor'd to their Rights, and secur'd in the possession of them for the time to come, and that this may be done by a Parliament, the only way in which it can be done. The States declare that for this only they lend their Ships and Forces: The Prince declares that he comes for no other purpose: Those that join him, or rise elsewhere, associate or declare for the same thing: The Bishops, the Lords, and the most considerable of his Council, in a word the King's best Friends, those about him, and that part of the Nation that stuck to him, press him and solicit him to it; they all tell him, that to call a Free Parliament is the only way, under God, to preserve him and the Nation, and they assure him of their being for him in it.

He feels that this is both the Voice and Judgment of his People, of those for him as well as those against him. He as good as owns by his Concessions that he had wrong'd them: He is willing to do himself that which they would have done in Parliament: He knows that if he suffer the Parliament to meet, and that they offer to use him ill, this will strengthen his Party, and give him a fair colour to prorogue or dissolve them; and there will be still time enough to have recourse to his Forces, who will prove the firmer to him, that he shall have made reasonable Offers: In a word, he knows that what is ask'd of him is the best thing to be done both for himself and his People, and that which in all respects he ought to do. But he can resist, and does resist his Friends, his Interest, his Duty and his Reason.

At last, and after so much loss of time, that his Obstinacy was judg'd incurable, and Matters were drawing to the last Extremities, he surprizes his People with a Proclamation, in which he pretends to be of the same mind with them, That to call a Parliament was the best and most proper means to establish a lasting Peace in this Kingdom; and calls one. Tho this came late, and after too obstinate and visible an Aversion to it, and that it was too frankly done by him to be trusted to; yet so easy a matter it is to please and deceive the People, and so strong was

He was equally against Parliaments and the Prince.

The People, &c. were only for a Free Parliament.

K. J. finds this the Voice of the People, and seems sensible 'twas the only way to secure him.

Therefore issues out a Proclamation for one.

still

The Declaration of Sherborn upon it.

still their Inclination to regular and usual Remedies, that he is believ'd, and there is an universal Joy upon it. And even his own Fleet that never fail'd him (for Friends were abus'd as well as Enemies) gives him their hearty Thanks for it, and tells him that God of his infinite Mercy had put it in his Heart to do it, as the only mean left to prevent the danger that his Person was expos'd to, and the great Effusion of Christian Blood that otherwise was like to be shed. And the Declaration from Sherborn, believed at first to be the Prince's, and publish'd about this time, is a plain Proof, considering the great effect it had, and how universally it took, That the Bent and Spirit of the Nation was still for gentle and healing Remedies. It bears, that nothing was intended, 'but to have a free Parliament call'd, and such Preliminaries adjusted with the King in order to it, as would put matters upon a legal foot, and give the Nation just reason to believe, that the King was dispos'd to make in Parliament such necessary Condescensions on his part, as would give intimate Satisfaction and Security to his People, and make both himself and them once more happy. So far off was then even the thought of parting with the King, or of putting Hardships upon him: nor does it appear that he himself did apprehend it, whatever hath been since given out; for he took, as is well known, this Declaration to be authentick, and it seems, laying hold on it, thereupon sent (for he did quickly after) to the Prince to adjust the Preliminaries mention'd in it. The Prince's Proposals in return to his, are upon the matter what he himself offer'd, or what he did thereafter judg reasonable. Thus all was agreed till the Parliament should meet, and there could not be a fairer Prospect of a regular and amicable Settlement, to the great Joy and Satisfaction of all good Men.

The Proceedings of the Court then was but Dissimulation.

But instead of this, all these Proceedings, and the Hopes built upon them, fell to the ground in a moment, to the great Astonishment and Surprise of the Nation; it appear'd there had been nothing but Dissimulation at bottom, which some had begun to suspect: for the Work was good, and the Court was in a way of proceeding that had a frank and honest Appearance, a violent and unusual state for them, in which sure they had been only acting a part, and could not hold out long even to do that. Tho in reason the Course they took was not to be suppos'd, it was not by reason that a Judgment was to be made of what they would do; and it was natural enough to think, that the Temper and Spirit they were of, and which had brought them so far on their way towards their deserved Fate, would not suffer them to go back, now that they had but one step more to make to be at the end of their Journey. The King saw that if he stay'd he must become a new Man, a Legal King, who makes it his business to observe Law, and not to break it: he found this would not do with him, the old Man was too old to be put off, such Changes were not practicable. He saw too, that he must consent to an Enquiry about the birth of the Child: now he (as appears by the Paper he left behind him) and much less the Queen, could not so much as bear the Supposition, that there was either reason or colour of reason for such an Enquiry. Then neither he nor the Party could bring themselves to think of his consenting to throw down in a moment, all that they had been for so long a time, and with such Pains and Trouble, building up, to part even with the very Hopes, nay with the Possibility of having their Designs renew'd in their time. Which hopes of an after-Game they could still retain and carry about with them, so long as they had the King in their Possession, and kept back his Consent from whatever should be done. Many too of those about him had render'd themselves so obnoxious, that whatever he did, go they must, and therefore would have him with them, hoping to live upon him or return with him, and not to be left absolutely destitute, as they apprehended they would have been, upon an Understanding between him and his People.

K.J. while issuing Writs for a Parliam. was contriving his going away.

Thus, at the same time that he was issuing the Writs for a Parliament, and treating with the Prince in order to it, he had taken his Resolution to withdraw himself, and was forming his Scheme, how to do it in the most effectual manner for laying the Foundation, as he thought, of endless and inextricable Disorders, which he hop'd would break us in pieces among our selves, and afford him an Opportunity to return with French Forces, and to go on with his Designs. These Hopes he prefer'd to the Hardship, as he reckon'd it, of being oblig'd to restore his People to the Rights he had rob'd them of, and to govern by Law for the time to come: he could expose them to the Rabble that was broke loose, and to an Army without Pay or Discipline, and suffer this Nation to become a Scene of Fire and Blood (which God only in his Goodness did prevent) rather than consent to redress in Parliament

those very things which he himself had begun to redress, and which he has since that time offer'd to redress, either in or out of Parliament. And that he or the Party, notwithstanding all the Disorder and Perplexity they were in, form'd and executed a Scheme at their going, for imbroiling us, is evident if we consider, that they did not omit any one thing which could contribute to heighten or perpetuate the Disorders which they hop'd their leaving us would throw us into.

The Queen, and the Child, and those about them went first, that an Inquiry into that Birth might be impracticable; for the Party own'd then in their publick Prints, that it was not fit to have that matter inquir'd into by a Parliament. And he says himself, in his Letter to my Lord *Feverham*, that he had sent them away that they might not fall into the hands of their Enemies; as if those he calls their Enemies could have had any other Design upon Women and Children, than to examine them, and discover the Truth of the matter. The Seals were put out of the way, to obstruct the regular Course of the Administration of Justice as much as could be. The Writs were burnt, to render a Legal Parliament, as they thought, impossible. That part of the Army that stuck to him, being for the most part *Irish* or not *English*, was disbanded with Arms, and without Pay, to involve the Nation in Blood or Disorder. He withdrew himself last of all, to drive his People into extraordinary Methods, about which he hop'd they would divide, and give him an opportunity to return and make a *French* Conquest, as will appear; or, which is the same thing, have his ends of the Nation, as the Party express'd it.

Why the Q.
and the
Child were
sent away.

Now upon the whole matter, tho one be tempted to think that the *Scots* spoke good *English* upon this Occasion, in forfeiting the late King for invading and altering their Constitution, without regard to his withdrawing himself; for the word *Forfeit* does not always infer a Superiority of Power, or a higher Punishment than the loss of the thing in question (which are the Objections to the use of it) as appears in the case of a Tenent for Life, who by alienating the Fee, forfeits his Right to it in the Reversion: Yet considering the Opinions that had of late sprung up in *England* about Regal Power, the Convention shou'd their usual Wisdom in adding the Withdrawing to their other Reasons, and in pitching upon the word *Abdicate*: for after all, if King *James* did not thus abdicate or renounce the Office of a Legal King, it must be granted that it was not in his Power to do it; and that when we say the King can do no wrong, the meaning must be, not only that he cannot wrong his People, as some interpret it, but also that he cannot wrong himself; for one would gladly know how he could have abdicated or renounc'd in a stronger manner, renounc'd I mean a Mind to govern by Law, without which no Man can be King of *England*. To have done it by Words had not been so strong; Words may be and are often false, but Facts seldom lie. Suppose at his Coronation he had refus'd to take the usual Oath, and told his People plainly, that he was resolv'd to be King, but not upon Terms, which look'd like a Bargain or the Original Contract; that he was an Absolute Prince, Laws were subject to him, and he would be obey'd without Reserve, as he had told the *Scots*: Or suppose he had offer'd to swear to govern according to Law, provided he might reserve to himself a Power to dispense with Law, or of trying it by a Jury of twelve Judges of his own naming when he and it could not agree; or suppose he had not withdrawn himself, but told the Parliament when they met, that the Prince's Declaration was false in all its parts (as he says in 1692) and that what he was charg'd with was nothing but perfidious Reports, notorious Slanders, black Calumnies, such more Chimeras and visible Fictions, that they were acknowledg'd to be such by all Men of Sense, and even his Enemies gave no more Credit to them (all which is said in the Memorials.) In a word (as is there too affirm'd) that he had done nothing against Law, since he had done nothing but by the Advice of the Judges, and so have concluded his Speech, as he does his Protestation against the Peace, That whatever measures others should take, for which, and the Consequences of them, they should be answerable both to God and Man, he for his part was firmly resolv'd, that no Extremity whatsoever should oblige him to part with, or even to compromise any of his Rights or Pretensions: In all these cases there had been an express Abdication, not of a Mind to govern, but of a Mind to govern by Law, and consequently an Abdication sufficient to vacate the Throne. But now his Abdication declar'd by the Convention, and which takes in the Withdrawing, tho it be otherwise the same with the former, becomes thus much stronger than it; for in such verbal Abdications he might have been dissembling his Mind, to try what his Parliament would bear, being resolv'd at bottom to yield when he should see that he could do no better.

His withdrawing himself a greater Abdication than if he had done it by Words.

Zzzz

better. But his withdrawing himself was a sealing of his Abdication, a final decisive Declaration of his Mind, that could not be done by way of Experiment; it left no room for an after-Game, sufficient to prevent the natural Consequences of it, the Vacancy, and the filling of the Throne.

Whether
his With-
drawing
was volun-
tary.

To all this it is said first, that supposing his Withdrawing to have been voluntary, yet was it with a design to return, as is evident; and therefore there was no *animus derelinquendi*, no design to quit. And in the next place they affirm, that his Withdrawing was not voluntary but forc'd, and thence infer that no use could be made of it against him. The Writers of the Memorials and others say expressly, that his Life was in great danger; he himself at first expressed barely his Apprehensions of being secur'd, as if that would not have been done if it had been intended, or that he knew not the Prince had been positive in refusing to consent to it. But he has since, by the Advice it seems of his Lawyers (to make his Fear as much as he could *metus qui in virum gravem*, &c. a fear that a Man of Courage might be subject to) declar'd he apprehended further Attempts against his Person, by those who had already endeavour'd to murder his Reputation; which, he adds, was incomparably more injurious than the destroying his Person it self. And therefore he, it seems, to show himself better natur'd than they, has been ever since endeavouring only and barely to have their Persons murder'd. And that there might be a *vis major*, as well as a *justus metus* in this *factum*, or Plea; tho in his first Paper he rather complain'd of ill Usage than pretended Violence, he has since added, 'that he was forc'd to make his escape, 'being at first confin'd in his own Palace, and then rudely thrust out of it under 'a Guard of Foreigners. That he remember'd the Fate of several of his Ancestors, and the Saying of one of them in the like Circumstances (which he should have done sooner and abstain'd, or not at all, if it serv'd only to fright him) 'that this made him think it high time to consult the Safety of his Person, 'and to use all means possible to free himself of the Confinement and Restraint he 'was under, in order to preserve himself for better times, and a more happy 'Opportunity, such as (he adds in his conquering Declaration of 1692) God had 'then put into his hands, that is of going on where he had left off; for there (it being below him even to give good Words) he tells us, 'that he had got French 'Forces, and that whatver he should say, he did not think himself at all oblig'd to 'say more upon that Occasion, than that he came to assert his just Rights, and to 'deliver his People from the Oppression they lay under: plain dealing at least.

But all this, considering what hath been already said, is quickly answer'd: His design to return, which is own'd, does not at all affect the Abdication. His Withdrawing was voluntary, and it signifies little whether it was so or not.

His with-
drawing
himself was
but one
Cause of
the Abdi-
cation.

The reasoning from his Design to return proceeds upon a gross and wilful Mistake, as if the Abdication were founded barely upon his Withdrawing; whereas the Withdrawing is but one of the Recitals in the Vote, and takes place in it only as the full and last Declaration of his Mind not to govern by Law. Now if he had stay'd and made this Declaration, it had been all one. But he made it by his first going, without so much as telling his People why he went, or that he would return, for his private Intimations to my Ld *Feversham* were no Declaration to them; and they upon this submitted to the Prince, and engag'd to assist him to have a Parliament with all speed, and consequently to have another King with all speed: for there could not be a Parliament without a King; and it could not be he whom they meant, since the reason they gave for this Offer was, that he had withdrawn himself, and finally disappointed them, that is, put an end to all their Expectations from him. Nay, if a King out of humour, and under no necessity, or one of his own creating, will abandon his People tho for a time, may they not provide for themselves, as the *Poles* did, tho *Henry III.* promis'd to the last to return, and had as much a mind to continue King of *Poland*, as King *James* had to continue King of *England*? And to put the Case nearer than has yet been done: suppose he had not gone, but told his People, that he would not govern or meddle one way or other for a while; however that he did not quit, but was resolv'd to resume the Government, and only reserv'd himself for better times, when he and they should better agree, which is the very case in substance with that of his withdrawing singly consider'd: What was the Nation to do in such a Case? Was it to continue without Government till he should change his Mind? No sure, that could not be. But not to insist on this, it is yielded, that if the Abdication were founded only and barely upon his withdrawing, a Publication of his Mind to return had been a strong Objection to it, because the overt Acts upon which his Mind to quit was to have

have been presum'd, would not have been weighty enough to ballance an expresse Declaration to the contrary; and at least they should have pray'd him to return, before they proceeded further, as the *Poles* did to *Henry III.* But he is declar'd to have abdicated because of what he had done, and that rather than mend it he would go. In which case his Mind to return may well aggravate the Matter, but it cannot help it: for suppose his return from *Rochester* had been his Choice (as it was not) and that he had told his People, that he came back to call a third Parliament, and to give them Satisfaction (which he did not) yet after what had past, as it had been more possible and natural for them to believe him mad than sincere; so if they could have believ'd him sincere, yet they were under no Obligation to accept of his new Mind, and receive him again, no more than if he had stay'd, and told them expressly that he would rather be no King than a King upon Terms, but had after retracted this, and offer'd to be an *English* King. Could the People in such a case be under any Ties to admit of his Retraction, and believe such a Man fit and capable to govern?

But the Truth of the matter is, tho he design'd to return it was not to govern by Law, but to govern upon his own Terms, as appears by the Declaration 1692, and all his Papers preceding that time; for till 1693 he never own'd that he had wrong'd his People, or pretended to return with a Mind to redress Matters; and even that Mind is such a no-Mind, that (tho he needed not have done it, for no body believ'd him) he is return'd, tho not to his People, but, which is more natural, to himself, and has retracted it in the Memorials and Protestation, where he affirms, that he has done nothing against Law, and that no Extremity whatsoever shall make him part with any of his Pretensions. Thus it's evident, there was, is, and has ever been an *animus derelinquendi*, or a Mind to quit; that is, rather not to govern at all, than to be ty'd to govern by Law, which is a worse and more inexcusable abdicating Mind than *Henry the Third's* was, who tho he was earnest to continue King, would rather not be King of *Poland*, than be ty'd to reside in it: and it was never pretended, that the late King went away with the Mind of a Prince that lays down for his ease. The Nation is not so happy, and know his Temper too well to expect such a favour of him: they knew why he went, and why he would return; and his Design of coming back (as his Mind does upon all Occasions when it is known) serves only to add to the Alienation that is between him and them instead of lessening it: and indeed to receive him after such Declarations of his Design in returning, were to consent that he should reign upon his own Terms.

His Design in returning was to govern upon his own Terms, and not according to Law.

Now to come to the pretended Force or Fear; Matters of Fact are falsely represented, as appears by the Account already given.

At the time of his first going he had his Guards about him, his Fleet intire and firm to him, an Army that had not yet left him, more numerous than that against him. The City of *London*, and other considerable places, and many of the Nobility had not declar'd themselves; others had only declar'd for a free Parliament. The laying him aside was not so much as thought on by the Nation; nay, by the Treaty, and the whole Proceedings of those he calls his Enemies, he had Prince, States, and People, the Publick Faith both of *England* and *Holland* on his side; that is, for gentle and healing Remedies: Where then was the force upon him? Or what Danger could he be then in, that he may not be now as much or more in at *St. Germain's*? Nay, his Language bewrays him; if it be that of a Man who thought himself in danger, it's evidently not of one who was under any force. He was oblig'd he says to withdraw himself, that he might not be in the Power of his Enemies, and because it was not advisable to venture himself at the Head of his Army; he did not think it convenient to expose himself to be secur'd, and for that reason had withdrawn—he saw it was no longer safe for him to stay, and therefore he had taken his Resolutions to withdraw for some time—the Indignities done him, and the Apprehensions of worse, with the Fate and Sayings of his Ancestors, had perswaded him to withdraw—he had retir'd to reserve himself for better times. All this shows indeed the Fears he had been in, but at the same time shows he had been under no Force. If they own, as it seems they do, that the Force and Danger came after his first going, then these could not be the Cause of it, nor consequently of his abdicating Mind, which he publish'd by his first going, and of which the second going was but the Continuation and Finishing, after that he got over the Accident that had stop'd and detain'd him much against his Will, without which there had been but one going. But even as to that second going, the

There was no force upon him to make him withdraw.

Expressions now mention'd were after it, and how does the Force or Danger appear? It's strange, after so long a time, and so great use made of these Pretences, that the Party seems at last reduc'd to depend upon the Dust they have rais'd about them; yet still they should have fallen upon no Proofs to support them but notorious Falshoods. The late King was never under any Restraint but from the Mob; and as soon as the Prince knew it, he sent an Express to take them from about him, and leave him at his Liberty. Nor was he under a Confinement in his own Palace or any where else, nor was he thrust out of it under a Guard of Foreigners, nor those Guards put about him against his will, much less to restrain him in any manner of way. The *Dutch* Guards were indeed sent to take possession of the Posts about *Whitehall* for the Prince's Security, who was to come the next day and lodg near it, but not at all to watch the late King there, who was to leave that place the next day; not that he was order'd or thrust out of it, but that he had been desir'd to go to *Ham* for the Reasons above-mention'd, and to have there his own Guards about him for the Safety of his Person; if he thought it in danger: But he preferring *Rochester*, and distrusting his own Guards (for no doubt he might have had them there as well as at *Ham*) ask'd a Party of the *Dutch* Guards of him that commanded them to attend him thither; which being granted without the Prince's Knowledg, for he was not come to Town, he as soon as he knew it sent the Party Orders to wait about the late King in such manner as he himself should command, otherwise they had not let him go as they did: for tho he chose to go away in a clandestine manner, none there were ignorant of it but his own Servants, whom he left asleep in his Bed-chamber; or if they were ignorant of it, it was because he had order'd a Sentinel to be drawn off from his usual Post, that was in the way by which he went, which still show'd that the *Dutch* Guards let him go by taking Orders from him to remove that Sentinel, as they did in every thing else: and yet he calls this his happy Escape from the Guards set upon him at *Rochester*, or as the Memorials have it, from the strong Guard under which he was kept Prisoner.

Thus it's evident, there neither was nor could have been any Force in his Case; and if there had been any, it must have been a *vis Major*, or irresistible Force to go, which could justify his going and abandoning three Kingdoms as he did, for which surely something is to be ventur'd; whereas even the Force pretended was a Force upon him to stay, and plainly resistible since he went.

Neither
was he in
any danger.

Nor does his Danger in all this appear; if he was in any it was never known, as it must have been if it had proceeded from any Deliberations of the Prince or People: and as for private Attempts, he had Guards about him, and he now sees that tho it be his own way, no returns are made him of that kind. But he says, *He did not think it convenient to expose himself to be secur'd*: Why then did he think it convenient to lose three Kingdoms, and would venture nothing to keep them? it's to be hop'd he'll venture as little to recover them. Can his greatest Enemies speak more meanly of him? But several were present, who are still for him, when the Prince rejected a Proposition to secure him, no doubt they inform'd him of this; besides, he knew that the Prince desir'd he should have his own Guards about him if he went to *Ham*, which show'd that there was no Design upon his Person, and that it seems there was a disposition to secure him even against groundless Fears. But as he says of his People, that they fancied themselves to be in danger from him: So if he fancied himself to be in danger from them, and gave ear to the little Whispers, either of some about him who were themselves in a fright, and in danger in good earnest, or of some others who it's said officiously took advantage of his credulous and jealous Temper to impose upon him, and it seems to put him in mind of his Ancestors; who is to answer for all this but Nature, that was so dispos'd to be abus'd? Those Ancestors of his could look on Death and die, and must he run when he thinks on it? He should rather remember his Successor, whose Life he knows well is daily in danger from Plots against it, and who forgets not the Fate of his Ancestors upon the account of Religion and Liberty, and yet when he runs, it is not from Danger but to it, for the sake of the same Cause. Or to instance in one nearer him, and whom he would rather imitate; he too (if he has heard of it) may remember the Fate of his Predecessors: However he hath shown no fear of the Bigot Party, but maintain'd vigorously the Privileges of his Crown against them, tho they have conquer'd him another way. Nay, it had been more seasonable for the late King, in the Circumstances he was in, to have remembred, since he would carry his Thoughts back, the Orders he

gave for the Barbarities that were committed in the *West*, and the pleasure he took in relating them, and to have apprehended for this, if not the Resentment of Man, that which, tho slower, is more certain and more severe, the Judgment of God.

But now granting that there was Force and Danger in his Case, what will that amount to? for still his going was voluntary. His Lawyers can inform him, that neither Force, nor Danger, nor Fear, do like Error hinder the Consent when a Man himself acts, which he did; for he was not sent or carry'd away by Force, but went when he thought fit to go. When one parts with his Purse on the Road, or in a Storm throws his Goods into the Sea to save his Life, Lawyers and Philosophers agree that he does it willingly. It's true, if there be any Injury in the Case, it's both Law and Justice that he who does it should make Reparation to him that suffers by it. But if the late King was under Force or in danger, where was the Injury done him? He brought that Force and Danger upon himself. It was his own Humour and his Friends that forc'd him away, by making him first do ill things, and then hindring him to redress them: without this obstinate Humour of his he had continued in a condition that had exempted him from Force and Danger. Suppose he had been secur'd, which was the only thing that he mention'd, as apprehended by him in the Paper he wrote at his going, when no doubt he knew his own Mind best, and that by this securing of his Person more than 100000 mens Lives had been sav'd, who died in the War in Scotland and Ireland, or perish'd in the Misery that it brought upon them; What great harm had there been in this? and could this Restraint have been reckon'd an Injury done him, that was the Effect and Consequence of his own Management and Free-will, by which he had brought others under the necessity of securing his Person, or of suffering all those Calamities to come that have since happen'd, and which were then foreseen and foretold in case he was let go? But no Considerations could prevail on the Prince (for those mention'd were laid before him) to consent to his Imprisonment, so far was he from being in any such danger, which it's strange if he was ignorant of even before he went, for the thing was then generally known.

Thus it appears that there was neither Force nor Danger in the late King's Case; and that if there had been Force or Danger, yet there had been no Injury done him, because he himself was the Cause of that Force and Danger, and that still his going was voluntary. But this hath been done rather to vindicate the Proceedings against him from the Calumnies with which they have been aspers'd, than that it was necessary thus to defend and maintain the Abdication. For after all, allowing the Force and Danger which he and his Party pretend, and that his withdrawing was as involuntary as they would have it to be, this will not answer their Point, as will appear if the Matter be a little further consider'd.

The Force alledg'd to have made him go, can only be insisted on as a proof of his Danger if he had stay'd; for notwithstanding this Force, it is not pretended that he was sent or carry'd away violently, but that he went when he had a mind to go, and might have stay'd, tho with danger, if he had so pleas'd. So that the unvoluntariness of the withdrawing, when all that the Party asks is yielded to, amounts barely to this, that he thought it not safe for him to stay. Nor is this an extenuating of the matter, for he at first did as softly express it; *He thought it not, he said, convenient to expose himself to be secur'd.* And even after this, when he had had more time to advise about it, he says, *that he withdrew, thinking it no longer safe for him to stay.* And upon another occasion, *That he retir'd to reserve himself for better times.* Thus it's evident that the Force, Danger, and Unvoluntariness pretended to have been in his withdrawing, still left him in a great measure Master of his Actions, at least in an intire freedom to declare his mind as he thought fit. All which too appears by what he deliberately did, before or about the time of his withdrawing. He had in order to his going, when he first went, withdrawn (to speak so) the Queen, the Child, the Writs, the Seals, and in a manner the Army too. And after he was stop'd and came back, he gave Orders in Council, and upon all Occasions, as business offer'd: and at his second going left his Paper with his Pleasure to publish it, which was done. Now he having such Liberty to act, and particularly to declare his Mind, how came it to pass that he did not publish to his People, not only that he was forc'd and frighted to go, and so kept from suffering the Parliament to meet as he intended, and which he hath since said, to mend the matter as well as he can, but he was willing and desirous to return, and to give them full satisfaction in Parliament, which he never offer'd till 1693? Can the

Heart of Man devise any Reason why a Declaration so obvious and necessary to one in his Circumstances should be omitted by him, but that he was resolv'd not to redress Matters, and went because he saw that if he stay'd he could not shun redressing them? This alone had been a sufficient Indication of his Mind in his withdrawing, to justify the Convention's founding upon it; for tho' it be a Negative, it is one of those Negatives that are stronger than Affirmatives, like the known Negative against the Mass, because it is not found in its proper place.

In his Paper left at Rochester, he acquaints us when and to what purpose he will return.

But this is not all, there is no scarcity of Arguments in writing against the late King, a Man may chuse. So here we are not left to search for his Mind amongst his Actions, or to conclude it from what he did not. He himself has given it under his hand: for in his Paper left at Rochester, as he tells the Nation why he went, which we have heard; so he tells them, when and to what purpose he will return. *Whensoever, he says, the Nation's Eyes shall be open'd to see how they have been impos'd upon by the specious Pretences of Religion and Property, and that being sensible of the ill Condition they are in, they shall be brought to such a temper that a legal Parliament may be call'd; then he'll return, and even venture his Life to redeem them from the Slavery they are falling under, and to settle Liberty of Conscience:* This is all that's material. Now was not this to tell his People in so many words, that he had not wrong'd them, but they had wrong'd him, being impos'd upon by specious Pretences, as if Liberty and Property had been in danger by him; and therefore he would give them no redress, nor return to hold a Parliament, nor indeed have any thing to do with them, till the Slavery they were falling under should open their Eyes, and make them sensible of the ill Condition they were in, and how much they had abus'd him? And they being once of this temper of Mind, he would then, tho' with the hazard of his Life, have a legal Parliament call'd, and Liberty of Conscience settled, and, as he adds, *other necessary things done*, that is, things in his Judgment necessary: In which, since he is only general, others may make bold to be particular; to wit, He would have all his Rights asserted, as he says elsewhere, that is, all that his People had complain'd of, confirm'd in Parliament, to prevent all Complaints, and their being abus'd by specious Pretences for the future; and for securing the Nation hereafter from the Slavery that it appear'd Revolutions brought along with them, he would have an Army so compos'd and modelled, that both he and they should be no more in danger of being abandon'd by it; he had got French Troops sufficient for his Business, he says in 1692, to conquer, no doubt, a *perjur'd and rebellious Nation*, as he then calls it.

He was free and deliberate in his withdrawing.

Here is sure a plain and voluntary Declaration of the Mind in which he withdrew himself, that in short he would not return and hold a Parliament till he should be under no necessity of satisfying the Complaints of his People. So that the Point to be made good becomes evident and undeniable, that yielding to the Party all the unvoluntariness which they pretend, or can pretend to have been in his withdrawing; yet since there still remain'd a part of his Conduct in it, that was free and deliberate, and that was most material and to the purpose, it being an unforc'd discovery of the Mind that cannot be forc'd, a discovery of an abdicating Mind, a Mind firm and obstinate not to redress matters, in a word, of a self-deposing and vacating Mind in an *English King*, a Mind irreconcilable to Law: the Convention had all the reason in the World in declaring the Abdication, to found upon the Withdrawing, as that which discover'd such a Mind, without considering whether in other respects the Withdrawing was voluntary or not, which was not to the purpose, the knowledg of his Mind was the great Concern; and if he had stay'd, and even in Prison made the same discovery of it that he made at his going, it had been the same thing to his People, and must have had the same vacating Effect.

His Paper from St. Germain's considered.

Now to confirm all this, and that it may not be pretended that this is taking advantage of the Perplexity and Disorder he was in about the time of his going, when it were fairer dealing not to take notice of what he then either did or said, and much less of what he did or said not; it's fit to consider, if after he was gone, and the Force, and Danger, and Hurry were over, he changes his Mind. But instead of this, in his next Paper, which was from St. Germain's about a Month after that from Rochester, he in the first place refers to the Paper at Rochester for the knowledg of his Mind, and then he repeats the same Mind with Additions, that far from mending the matter, make it much worse than it was. He says, *That the Justice and Moderation of his Government had been such, that he had never since his accession to the Crown given any occasion of complaint; however when he*

law the Invasion coming, he had, to prevent his Peoples being cheated by little imaginary Grievances into a certain Ruin, and to remove even the Pretences of Discontent, redress'd all matters himself. He concludes, That he desires nothing more than to return and hold a Free Parliament. But to do what? Here sure we'll find the new Mind; for tho he refus'd before he went to redress in Parliament those little imaginary Grievances, and that he cannot help his Judgment in believing them still to be such, yet his Misfortunes may have wrought upon him: No, he tells us in the same Paper, That no change of Fortune shall ever make him forget himself, so far as to condescend to any thing unbecoming him; as if it were unbecoming him to do that in Parliament which he had done out of Parliament. But his meaning is, that no Change of Fortune can change him; which is as certain as that a Leopard cannot change his Spots, and of which he gives us here a signal proof; for that which he desires a Parliament for, is barely, as he adds, That he may have the best opportunity of undeceiving his People, and shewing the sincerity of those Protestations he had often made, of preserving the Liberties and Properties of his Subjects, and the Protestant Religion, more especially the Church of England as by Law establish'd. Now who is so angry as to abstain from blushing? Is it not task enough to convince this Nation that he'll be sincere for the time to come; but must they also believe that he was always sincere?

But this Paper was written within a Month after he went: possibly the Welcome he met with in France, and the Complements at meeting kept him still warm; and therefore we'll go on to his Paper from Ireland when he had more time to cool, for it is four Months after this. Here having first told the People of England, in his usual manner, that all they had charg'd him with was Calumnies and Stories, and that it was now time for them to open their Eyes when they were reduc'd to slavery; he proceeds to assure them, That in Ireland the defence of his Protestant Subjects, and of the Protestant Religion, had been his special care. Why the Northern Heresy King James his Care, unless it be to root it out? A Jesuit may tell us from China what he pleases; but to tell us this from Ireland after what had past there, and of which great multitudes of Witnesses were actually in England, having fled to it for shelter, their whole Estates being seiz'd on even without the Forms of Law, was (as one says well) to require us to believe, as well as to obey without reserve. Sure we need go no further in search of this new Mind, after what we have met with. In a word, neither in this Declaration, nor in any other till 1693. and in none after that, does he own that he had wrong'd his People, or offer them Redress. Nay, bating that one Year's Grievance, he has upon all occasions both before and since, own'd that his Design to return was to assert his own Rights, and to vindicate his People from the Slavery and Oppression that the Prince of Orange had brought them under. But as to the point of giving them Satisfaction in the Matters with which they had charged him, either he denies the whole Charge, or says nothing to it at all, or promises Redress in such gentle and ambiguous terms, that tho the Promise were not his, no hold could be laid on it.

All which, tho his Paper from Rochester be clear enough in it self, is a further Confirmation and Explanation of his Resolution in it not to redress Matters, and consequently a further Justification of the Judgment and Use that the Convention made of his withdrawing himself.

In short, to sum up the whole Matter, and to end this Point which is the main Point: If the Charge contain'd in the Act of Settlement against the late King be not true, or consist only of little imaginary Grievances, the People were in the wrong to invite the Prince over, and he was abus'd by them; or if he knew the truth, he was in the wrong to come, and there was no reason for pressing the late King to call a Parliament; and the uneasy Circumstances he was brought into, were Hardships put upon him. And if on the sudden he withdrew himself only to breathe a little, and to give his People time to cool and think on what they were a doing, this was not altogether so very strange; and it was yet less strange if he was forced or frighted to be gone, which might show rather no great Courage than want of Right on his side. And upon these Suppositions the People, instead of filling the Throne as they did, should have pray'd him to return, and ask'd only a general Pardon.

But on the other hand, if the Facts be true, and of such Importance as is pretended, and that there was no room for Remedies; the People had reason to invite the Prince over, and the Prince had reason to come; and it was goodness in them to ask only Redress in Parliament, and Security for the future: and if King

And that from Ireland.

All of 'em shew he design'd not in his return to redress Grievances. If the late King was charg'd falsely, he was hardly dealt with by the Pr. of Orange and the People.

But if otherwise, the People had reason for what James they did.

James refused this Redress, and persisted to refuse it, and thereupon many left him, and he brought himself into lamentable Circumstances, and rather than get out of 'em by doing his People Justice, would get out of them his own way; or being frightened by the Ghosts and Sayings of his Ancestors, or by the Whispers of some nearer him, chose to throw all up, and withdraw himself. The People of England had all the reason in the World to abandon him, as he had abandon'd them; and, since he would not have them with Laws, to have Laws without him, and to provide for themselves, as they have done to their great Honour and Happiness, and for a lasting Monument of their Wisdom and Spirit, and a Pattern to their Posterity. Nor needed they any Statute to take care of themselves, no more than one that is sick needs a Statute to send for a Physician. What if the Royal Line should fail? Nature or Self-preservation, the Reason of the thing, the Constitution and whole Statute-Book are the Law, when the Law or All is at stake. Nor are Precedents in such Cases more necessary than Statutes, and were good Precedents wanting, they ought to be made, for they must begin one time or other; but this Nation had for Precedents, the practice of their Ancestors, and of all free People in the like Circumstances, when they had strength enough to save themselves. But if the Party insist, as they do, for Precedents that will quadrate in every thing, it's sufficient at present to assure them, that when they find such Precedents for King James's part in the Revolution, whose Obstinacy no Age can parallel, if they go not back to Pharaoh's, who was indeed an Original which one would have thought none could ever have copy'd after: However, I say, if they find compleat Parallels for King James's part in the Revolution, others will find as exact ones for their Parts in it too. It's true, Precedents in favour of Publick Liberty are of late become very rare; but this made it the more necessary and more seasonable to revive them by a signal Instance, such as the Revolution, which will at least, during this Age, keep both Prince and People in mind of what they owe the one to the other, and the other to themselves and their Posterity. So far is the Revolution from being a bad or dangerous Precedent, as is also pretended, that it can only be one for the like case, for which it appears it will be a good one: and the Party is desir'd to bring an Instance, either from antient or modern History, that ever any Nation (much less one compos'd of Factions of different and contrary Interests) did so unanimously and deliberately, and with so little heat or resentment, take Arms against their lawful Sovereign (as this Nation did) but when they had just cause to do it. It's strange if the Revolution be bad, and yet every thing like it be good.

The Conclusion.

But to conclude; the Prince, since his present Majesty (against whom chiefly all this Dust is rais'd) wanted not Precedents for his part in the Revolution, he being descended of those who by Revolutions had sav'd Europe more than once. God chose them in their times to be the Instruments of his Goodness to Mankind, in the great Work of restoring the Cause of Liberty that was almost lost; they were his Vicegerents indeed in the noblest of his Prerogatives, those he glories most in, his care of the Poor and the Oppressed. God accepted of their Labours then, and rewarded them; and it seems rewarding them still, by reserving to their Posterity the Honour of maintaining the same Cause that was lately in as great danger as ever, but is now upon a foot to maintain their Honour, and the Honour of all those that act honestly and sincerely in it; so far are those concern'd in it from having any occasion to be asham'd of it, as the Writers of the Memorials vainly intimated.

Reflections

*Reflections upon the Occurrences, from
5 Nov. 1688. to 5 Nov. 1689.*

*Wherein the Happy Progress of the late Revolution,
and the Unhappy Progress of Affairs since, are
consider'd: The Original of the latter discover'd,
and the proper Means for Remedy propos'd and re-
commended.*

PROV. XXVII. 5, 6.

*Open Rebuke is better than secret Love. Faithful are the Wounds of a Friend;
but the Kisses of an Enemy are deceitful.*

A D V E R T I S E M E N T.

THESE Papers, tho in Print, were not printed for vulgar View, but for the use of such as are principally concern'd in them; and therefore in number proportionable to that Intention. They contain a search into a dangerous Sore, which cannot faithfully be perform'd without some smart to the Patient. And in such case, they who are wise will not rage and storm at the Hand which toucheth them, but consider, that it is but what is necessary to prevent greater Mischief in time. Perhaps the Operation might have been perform'd more tenderly by others, but more faithfully it could not have been done by any. If any blame it as a Work of too much Officiousness, for one thus to obtrude himself before he be sent for; it must be remember'd, that he had some Concern in, as well as for the Safety of the Patient. And were it not so, yet the good Samaritan, for his good Office in supplying the Neglect of the Priest and the Levite, was not censur'd, but approv'd by the Great Physician, our Lord and Saviour. If after all any one will be troublesome, he is hereby admonish'd to be wise, and consider first, how he will clear himself before the Supreme Judg, who will certainly take cognizance of the Cause, and give Righteous Judgment upon each. For, for his Service it was done, and to him the Success is intirely committed.

Reflections upon the Occurrences of the last Year.

WE are now, by the Course of Time and Providence of God, brought to an United, Solemn, Anniversary Commemoration of two great Deliverances of this Nation, one of our Ancestors, but in them of our selves, about one Age, that is, eighty four Years since; the other of our own selves, commencing in the Prince's Arrival, but one Year since; but both concurring in the same happy and memorable Day of the 5th of November. November.

And

Vol. III.

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And in this, that they were Deliverances from Conspiracies of the same inveterate Enemies, tho' at so great a Distance of time, and of quite different Form and Contrivance: the first secret, underground, and in the dark; the other bare-fac'd, above-board, and visible to the World. Almighty God, of his infinite Goodness and Wisdom, was pleas'd, not only to renew his Mercies to us; to do it when, considering the corrupt and vicious State of the Nation, we had great reason rather to fear some severe Judgment; to do it in such a manner, as might make his Divine Power and Efficacy in it the more apparent; but to do it with such Circumstances of Time, as might mind us also of his former Mercies, of his long continu'd Favour, and the Constancy of his Providence over us, the more effectually to oblige us. The Year, that of Eighty Eight, to mind us of the famous Eighty Eight, one hundred Years before, in the Reign of Queen Elizabeth, when the Wind and Sea, by his Divine Direction, fought for us against a suppos'd invincible Armado. And the Day of the Prince's Landing determin'd by the remarkable Motion of the Wind, under the same Divine Direction, to the very Day of the 5th of November, to mind us of the Deliverance in the Reign of King James the First, upon the same Day, from one of the most barbarous and hellish Conspiracies that the World hath known. And, certainly, they must be very dull and stupid Souls, who, by such Admonitions as these, are not provok'd to consider with Admiration and rais'd Affections, the observable Course of the Divine Providence, in preserving this Nation from such various and continual Machinations of the Antichristian Faction, not only during the long Reign of four and forty Years of that Queen, but for this full 130 Years from her Accession to the Crown, unto this late Revolution.

The Divine Providence evident in the late Revolution.

As these Circumstances of the time invite us to look backward upon the former course of Divine Providence, in the Occurrences of this Nation; so there is another Circumstance in our late Deliverance, which doth not less excite our Consideration, and oblige us to look forward upon what hath since occur'd in the space of this one Year last past: And that is the eminent and wonderful manner of the Revolution.

In that it was effected with so much ease, and without Blood.

The Deliverance it self was so full fraught with Mercies and Favors from Heaven, that every Circumstance had some special obliging Favour in it; and this of the Manner, more than one. It was no small Favor, that it was effected with so much Ease to us, and with the Effusion of so little Blood; especially considering the general Corruption of the Manners of all sorts of People among us, which not only deserv'd, but seem'd to need and require a Purgation: But the Merciful God, it seems, was pleas'd, first to try whether there was so much Ingenuity left among us, as to be wrought upon by his more gentle Method of so surprizing a Mercy and eminent Deliverance, which if it be not will certainly aggravate the Sin of the Nation, and in all probability increase and hasten some remarkable Judgment upon it.

And was carried on with a high hand of God in it.

But that which I principally intend here, is, that it was carry'd on with a high Hand, like that of the Children of Israel, in so powerful and eminent a Manner, a certain Dread and Terror going before, as makes the Providence of God visible, his Power known, and gives a great Indication of his special Presence (by his invisible Ministers) in it. This is such a special Favor, and produceth such special Obligations upon us, as must needs highly aggravate the Crime of any unfutable Return, as not only notorious Ingratitude for an extraordinary Benefit, but a kind of Contempt, or slighting of so great a Benefactor to his Face. Behold, I send my Angel before thee, to keep thee in the way, and to bring thee into the Place which I have prepar'd, saith God to Moses: and then subjoins this Caution; Beware of Him, and obey his Voice; provoke him not, for he will not pardon your Transgressions, for my Name is in him. Exod. 23. 20, 21. This was our Case: And as such an Obligation requires a special Prospect, Care and Caution for the future, to avoid all Offence against it; so the powerful and successful Progress of that Deliverance must needs make the Departure of those Powers, or but Suspension of so eminent a Favor, soon felt, and easy to be perceiv'd, and thereby give a plain Admonition of some Offence committed. And whether this be not our Case, is a matter of great Importance, and requires our most serious and deepest Consideration.

The like not to be parallel'd in History.

The Deliverance, in the Manner and Progress of it, was so surprizing and amazing, as the like is hardly to be met with in any History, since that of the Israelites; and yet it will not be easy to determine which is most to be admir'd, the smooth, uninterrupted, prosperous, and successful Progress of it, or the unaccountable

Stop which seems to have been put to that Success; and the strange, slow, impeded, and unprosperous *Course of Affairs since*: How all things did visibly concur to promote that, but the *Course of our Affairs* since hath been retarded we know not how! Only this we plainly see, all is at a stand, or moves slowly, like *Pharaoh's Chariots*, when their Wheels were off. Or, as I have heard of a Cart bewitch'd, which before was drawn easily loaded, by four or five Horses, but of a sudden became almost unmoveable, in plain ground, and half unloaden, by a much greater Strength: So have all things gone with us, as if they were enchanted, for the greatest part of this Year. And so sudden and great an Alteration doth of it self deserve and provoke our Consideration; but the dangerous Consequences thereof, which have already occur'd, or are within view, much more.

The late wonderful Revolution, which is look'd upon as our Deliverance, was compleated, if we compute from the Arrival of the Prince to the Exit of King *James*, within the space of forty three Days; and if we extend it to the Day when the Prince was proclaim'd King, it amounts but to one hundred Days: But upon *Christmas-Day* he was address'd to by the Lords, and two days after by the Members of the former Parliaments, and the Aldermen and Common Council of the City, to take upon him the Administration of Publick Affairs, both Civil and Military, and the Disposal of the Publick Revenue, and to take into his particular Care the then present Condition of *Ireland*. All which, the Day following, he accepted and undertook.

Amongst those four things recommended in general to the Prince, and undertaken by him, were some things comprehended, which could not then be compleatly done by him; as the Constitution of Civil Officers, and of Lord-Lieutenants, Deputy-Lieutenants, and other Officers in the Militia. All that could then be done by him in these Matters, was only to consider, and resolve upon fit Persons for these Employments, to be authoriz'd as soon as might be. But this was a Matter of some Consequence to be settled as soon as might be, as in other Respects, so more particularly, that the more Forces might have been the sooner spar'd for *Ireland*: For considering the Disposition of the People, the ordinary Militia being in good Hands, would have been sufficient for the Security of this Nation. But, whatever was the Matter, neither were the Civil Magistrates in the several Counties, that is, the Justices of Peace, nor the Militia, settl'd in many Months after.

And for *Ireland*, the Consequence of the speedy securing or reducing of that Nation, was very great; not only for the Security, Ease, and Benefit of this, but moreover and especially, in order to the common Design of the Confederates, that we might have been in a Condition to have attack'd the common Enemy on the one side, as they did on the other: who being animated by Success, and our Enemies under no ordinary Consternation, might have brought the common Design to Perfection; and, which is of higher Consideration, have produc'd what the Providence of God had put an Opportunity into our Hands to do, directed us to, and was ready to have conducted us to perform. And how dismal may be the Consequence of this Failure, if it proceeded from any Neglect in us, as God alone compleatly knows, so I am unwilling to declare what I suspect, nor perhaps is it fit for me to do it. But thus much of the Matter of Fact in this case is certain and commonly known, that the Arms and Ammunition which were sent, whenever that was, but to that one poor Town of *London-derry*, which shut up their Gates the 9th of December, declar'd for the Prince of *Orange* and the Protestant Religion, and immediately sent hither for speedy Relief, arriv'd not there till the twentieth of March, nor the Forces sent with *Cunningham* and *Richards* till the fifteenth of April; and then instead of Relief, by deserting the Service, prov'd only a Discouragement to them. And tho some others came near the seventh of June, yet were not those poor Creatures actually reliev'd till the thirtieth of July; when from seven thousand five hundred brave Regimented Men, they were reduc'd to about four thousand three hundred; tho nothing appears, why that might not have been done full as well six Weeks before.

Proportionable to this, for the Relief of that Town, was the Progress of our Affairs for the Reducing of that Kingdom. That which might with ease have been done at first, grew daily more and more difficult; the Difficulties increasing faster than our Preparations; insomuch, that March 8. King *William* speaking to the Lords and Commons, concerning the deplorable Condition of *Ireland*, declar'd,

That he thought it not advisable to attempt the reducing of it with less than twenty thousand Horse and Foot. Difficulties should, and usually do excite generous Spirits to the more vigorous Action: And this, no doubt, was the Intention of the King in that Speech: Notwithstanding long it was e'er we could be ready to transport our Forces; and when all things were expected to be ready for that Purpose, how they answer'd the General's Expectation, must be left to his own Observation, and the more particular Examination of them, who are not only concern'd, but are in Place and Authority to do it; it being commonly believ'd, that they were not so well as ought to have been. And when they were at last transported, which was not till about the middle of *August*, it seems they were not such as the General thought fit to engage with the Enemy, tho' so lately baffl'd before *London-derry*; especially their Carriages not coming to him before the 24th of *September*; nor have they to this Day done any considerable Service.

By which
the Forces
there may
be a Bur-
den.

And whereas it is likely, the wary old General might decline any Engagement, in daily expectation of the *Danish* Supplies to have been with him long since; yet so unhappily hath that also fallen out, that the Expectation of them hath prov'd only a Disappointment to us, and perhaps a greater Disappointment than ever their Service may repair. Besides, the Season of the Year is now so far gone, that they are more like to prove a Burden this Winter, than any Advantage to us. And what may now become not only of *Ireland*, but of the Forces we have already sent thither, is very doubtful; so that we have in a manner already lost all the Expence of this Summer, and are in danger to lose a great part of our Forces also.

State of
Affairs at
Sea on the
Revoluti-
on.

And now, if from Land we descend to take a Prospect of the Progress of our *Affairs at Sea*, we shall still find all alike: The two famous Nations for Action at Sea, not only baffl'd by the sole Power of *France*, but our Losses in Men by Sickness and Mortalities greater than by Fight; and in our Merchandize and Trade, not less than our Expences: And, as if the Power of our Enemies were not enough to annoy us, after all (if the Complaints of our Merchants and their Mariners be true) our Ships have been made a Prey by those who should have been their Guard and Convoy, and were employ'd for that purpose.

And in the
Country.

And if we return again to Land, and consider the *State of the Country*, we shall there find all our Country-Commodities at so low a rate, as will hardly pay Wages and other necessary Charges, besides reasonable Maintenance for the Families: And this Condition made harder by Taxes already granted and levied, and those unsuccessfully spent, and more expected. And such a Disappointment of the great Expectation which was generally conceiv'd of a happy Change of Affairs, must needs produce an unhappy Change in Mens Minds.

The Origin-
nal of the
bad state of
Affairs
was in the
Parlia-
ment, &c.

And if we apply our selves to consider the Proceedings of our Councils, the great Council of the Nation, and the King's Privy Council, we may there more easily find the Original Root, Occasions and Authors of all these Mischiefs, than any such sound Resolutions or Counsels, as ever were, or are likely either to have prevented, or now to redress the same. A bold Speech this, I confess it is: but being said, not maliciously out of any evil Principle or Design, but out of Zeal for the common Safety (and other good Ends) not of particular Persons, I doubt not, but the Evidence of Truth, and the Consciences of most, will excuse and acquit me. And yet I must be bold to say, there are some things passed, of which none of them all who were present, or concern'd, can acquit or excuse themselves.

By their or-
dering a
General
Thanks-
giving.

Such was one of the first Acts of the Convention, the Form of their *Order for the Thanksgiving*. And if any one dare presume to excuse that as a small Matter, I dare be bold to say, he hath but little sense of the Majesty of God concern'd in it, of his extraordinary Mercy and Goodness in the Deliverance, of the dangerous Consequence of such a fault in the beginning of their Consultations, or what an Indication it was of an unhappy Temper and Disposition prevalent in that Assembly. But had the Form been altogether faultless, to order a solemn Thanksgiving to God, and never after do any real Act of Gratitude for his Honour and Service, when profane Swearing, and other Impieties and Wickedness were grown to that height of Impudence and Presumption, is such a thing, as would be resented with Indignation by a mortal Man, and was more likely to provoke a Suspension at least of the Favours of Providence we enjoy'd, than a Continuance thereof: But of that more elsewhere.

One of the next things they did, was the ordering of a Committee for the Business of Ireland: But what have they done ever since in that Business? Either nothing at all, or nothing to the purpose, as the Event, and what I have before taken notice of, do plainly shew and demonstrate. And yet it is plain, there wanted not Matter enough proper for their Consideration. There were Protestants enough in Ireland, to have defended themselves, and secur'd that Kingdom, had they not been disarm'd, and their Arms, contrary to Law, put into the Hands of Papists: or notwithstanding that, had they but had Arms sent them in time; and, had they needed, some small Body of Men at first, to whom they might have repair'd. We had more in Arms and Pay here than we needed, and therefore not only refus'd many who offer'd their Service, but disbanded many of those we had. We had Ships also at the same Charge, whether employ'd upon that Service, or any other. Why then were not Men and Arms too sent them in time, while our Men were animated with Success, and the Irish under a Consternation? Why not we as forward as the French? And why, instead of sending to them, were so many of the Irish, who had been in Arms here, suffer'd to return, and not rather employ'd in some Service of the Confederates, at least of the Emperor against the Turks, if they might not have been trusted against the French? And when by our Neglect at first there was need of a greater Force, if we had not then Men enough in Arms, why were not more rais'd at home, of those who were disbanded, and of those who were forc'd from their Estates in Ireland, and wanted Maintenance here? But we must send for Foreigners without Consent of Parliament; and so incur the blame we cast upon others; and send for such, which must protract the time, when we might as well have been certainly provided at home much sooner? And whereas all this may seem to have been manag'd either for the real Service of King James, or for a colour to bring in a Foreign Force for the Security of such, as having been true neither to him, nor to their Country, durst now trust neither, but endeavour'd to impose upon the present King, and under the old pretence of his Service, get into their own hands a Power to enslave their Country; it had been worth the Inquiry, how it was serviceable to the present Settlement, and who were the Advisers and principal Agents in it? And certainly such Matters as this had been no improper nor unusual Business for the Consideration of a Parliament.

The next and greatest Matter of all, of Civil Consideration, was the long Debate about the Abdication. This took them up little less than three Weeks time. And tho there was reason enough to declare the Departure of King James under his Circumstances, an Abdication of the Government, he having before notoriously endeavour'd the Subversion of the Constitution, actually, in divers great Instances, violated the Fundamental Laws, given just Cause of War to the Prince, and of Defence and Vindication of their Rights to the People; and after all, by recalling the Writs for a Parliament, refus'd a Legal Determination of the Matters in question; all which make it plainly, rather the flight of a Criminal from Justice, than of an innocent Man *metus causa*, & *cum animo reverendi*; and a Cession or Dereliction of the Government in Fact, which his deliberate Violations declare he had before deserted in Affection: Yet as if they indeed laid the whole stress upon the Departure; and the other Matters charg'd against King James, were not criminal or punishable, so much as in his Ministers, Counsellors, and Accomplices, or at least doubted their own Authority as a Parliament; not one of those, who by their wicked Counsels and Compliances, betray'd not only their Country, but their King himself, whom they pretended to serve, into such Mischiefs as were like to have been fatal to both (whatever yet may come of it) hath yet been brought to condign Punishment, or so much as call'd in question upon a fair Trial: quite contrary to all the Practice of our Ancestors; who always punish'd the Counsellors, Ministers, and Agents, unless in extraordinary Cases, directly tending to the Destruction or Subversion of the Government, as this did.

And whereas upon such a Revolution, one of the most necessary things to be done, especially when meeting with such Opposition as this hath, and is yet like to do, is to remove, as much as may be, all Occasions of Difference, and unite all Parties in a firm Agreement, for a mutual Assistance in civil Matters; such have been the Jealousies, Animosities, and preposterous Zeal of many, that a great part of the most sober and serious People of this Nation, are to this day kept out of the Service of their Country, and the most debauch'd and profligate freely let in; and

and let in with the grossest Profanation of Sacred Things, that hath, I think, been known in any Christian Nation; and no Expedient can yet be agreed on, tho in a Matter of so great Importance.

Parlm. has
been infest-
ed with a
Spirit of
Division.

And to sum up all that belongs to this Consideration of the Parliament, in one word: They have been all along infested with a Spirit of Division, so prevalent among them, that they have scarce done one brave and clever Action, nor so much as inquir'd to any purpose, into the Causes and principal Authors of the evil Management of our Affairs, ever since they met.

Should we come nearer to the King himself, and inquire into the more secret Proceedings of his Privy-Council, and great Ministers of State, 'tis possible we should come so much the nearer yet to the Fountain-head of much of this Unhappiness: For it must all have been either the Effect or Disappointment of their Counsels. But such an Inquiry is a Business so proper for the grand Inquest of the Nation, that it is fit to be left to them to do it effectually.

But as for the King himself, this is apparent to the World, That the embroil'd, if not lost condition of *Ireland*, and the loss of this Summer's Assistance to his Confederates, is a great Eclipse and Diminution of that Honour which the Success of his former Proceedings had acquir'd; and was of so great Importance to him for the farther Progress of his Affairs.

But I need not proceed farther on so ungrateful a Subject; the Instances I have already produc'd, are sufficient to shew a great and unhappy Change in the Course and Progress of our Affairs, from so smooth and prosperous, that formidable Armies could give no Check or Interruption, but vanish'd like Smoke before the Wind, to so rough and disturb'd, and that so universal in all, that neither Abroad nor at Home, at Sea or at Land, in Country or in Council, do we find any chearful Face of Affairs, but every where Rubs, Impediments, Failures and Disappointments, and our way fenc'd up that we cannot pass.

Worth in-
quiry what
the Causes
of the
Change of
Affairs
since the
Revolu-
tion.

So great a Change as this, is enough to move the Curiosity of an unconcern'd Spectator to inquire into the true Causes of it; much more ought our own Concern to move us to do it, with no less care and diligence, than a skilful and faithful Chirurgeon would use, in the search of some dangerous Wound or Sore. Nor would it be hard to discover the particular, immediate Causes of many of these things: but to rest in them, would prove but a shallow and superficial Speculation; and the Application of means for the redress of them alone, could not be expected to have better effect than the Application of a Plaister to a deep and ulcerous Wound. Here is so great a Concurrence of so many and various evil Symptoms, and particular immediate Causes conspiring to cross and disappoint us, as is a plain Indication of some more secret and powerful common Cause influencing all. They are Men of no very clear (but clouded) Minds, or of no very strict Observation, who having any considerable time been conversant with Men and Business in the World, do not feel in themselves, and perceive in others, that the most minute Concerns of Men, are under the Conduct and Regiment of certain invisible Powers. Tho Providence and Industry often succeed, yet we see them often defeated; and lucky and unlucky Hits, as we call them, and those many times unaccountable, prevail above and against both: and that not once or twice, but in a long Course together. And had we but the Understanding of *Balaam's Ass*, we might discern, that an Angel of the Lord is standing in our way to stop our Progress; and that this great Change, is indeed *Mutatio dextra Altrissimi*. *Israel* hath sinned and transgressed, and therefore cannot prosper. Our Strength is departed from us, and we are become like other Men: Neither will it return, unless the cursed Thing be found out and remov'd. This therefore is our Business, which this Change of Success loudly calls us to, to find out the Sin that keeps good things from us, and to dissipate the Cloud that intercepts the benign Influences of Heaven. And to that end, it will be fit to return to that Period of the Revolution, the Exit of King *James*, and the Arrival of the Prince at the Royal Palace, and the Confines of the Metropolis of the Nation, and consider what Indications have since occur'd.

Admoniti-
ons to the
Prince from
the Pulpit,
upon his ar-
rival at
London.

Here he was met and attended by most of the Nobility, and a numerous Concurrence of the Gentry, and People of all Ranks and Qualities, from all parts of the Nation. And the very next Lord's Day, were the following Admonitions very seasonably given to him, and to all then present, from the Pulpit; and soon after by his Highness's special Command, to all others from the Press, by a Person of great Name; who having shew'd from the amazing Concurrence of Pro-

vidence

vidence in the late Revolution, that it was the *Lord's doing*, he makes some Reflections upon it.

One whereof he thus expresseth :

P. 22. ' If we will carry on and perfect this Marvellous Work of God, we must study to be such, that God may not repent him of the Good which he seems to have prepared for us. While we are under such an happy Influence of Heaven, we must not raise up such an Interposition between it and us, as may not only make us lose this happy Opportunity, but turn it to a Curse by the ill use we may make of it.

Another he expresseth in these words :

P. 20. ' If this Work of God possess us with the Veneration which is due to it, we ought not to stop the Course of it till it has had its full Effect, nor to daub Matters by slight and palliating Remedies. We see now before us the most *Glorious Beginning* of a noble Change of the whole face of Affairs, both with relation to Religion, and the Peace of *Europe*, that we could have wish'd for. It is so far beyond our Hopes, that we durst scarce let our Wishes go so far : We may, if we are not wanting to our selves, and to the Conjunctions before us, hope to see that which may be, according to the Prophetick Stile, term'd a *new Heaven and a new Earth*. But if a Spirit of Jealousy and Murmuring, of Impatience and Faction, and of returning to that out of which God has so signally extricated us, grows up ; so that instead of reaping the Fruits that we have now in prospect, we have not Souls big enough, nor Hearts good enough to carry this on to perfection ; then we may justly fear our being *deliver'd up* to all those Evils from which we will not be healed, &c. *And a little after*, There is scarce any *Indication* more certain of the Sins of a Nation being grown up to that height, that it must be destroy'd, than the *Miscarriage* of so great a Deliverance as God hath wrought for us, which will be an Eternal Blot on the Wisdom of the Nation, &c.

Again, P. 24. ' In order to the preventing the return of the like Evils, we must avoid the relapsing into the like Sins. It is neither the Union nor Wisdom of Councils, nor the Strength of Fleets or Armies, that will secure us from the Judgments of God, which we may expect will fall upon us with an extraordinary redoubling, of seven times heavier than any thing that we have yet seen or known, if those that are filthy will be filthy still — If Men think that their Fears are over, and that therefore they may give themselves up to work Wickedness without restraint ; then we may justly expect a return of the like, if not of greater Miseries.

And toward the Conclusion, P. 31. ' If in all that we do, we take not care to have God ever on our side, it will be easy for him to blast all Councils, and to defeat even the greatest and best-laid Designs. We have now before our Eyes one of the signallest Instances that is in any History, of the Instability of all human things, &c. Perhaps some may imagine that we are safe, because we cannot be dash'd on the same Rock, about which we see so great a Shipwrack : But alas ! if we provoke God to hide his Face, and to withdraw his Protection from us, his Ways are past finding out : He can bring Ruin and Destruction on us from that Hand, from which perhaps we apprehend the least. If Prosperity and Success blow any up, and make them forget God, and all the Vows that they made to him, he will never want Means and Methods to make them return to themselves, and to remember him.

To these I will subjoin one more deliver'd by the same Person upon the solemn Occasion of the Coronation, in these words :

Pag. 3. ' Those who are rais'd up to a high Eminence of Dignity, are so much the more accountable both to God and Man, not only for all the Ill, which either they themselves, or others acting in their Name, or by their Example, may have done ; but likewise for all the Good which they might have done, but did not. And as they have much to answer for to God, so likewise Men expect much from them, &c.

These are all Truths, and so plain Truths, that there needed no extraordinary Spirit of Prophecy to reveal them : And yet I doubt not but we may say truly, *This spake he not of himself, but being order'd to preach on such an Occasion, he prophesied.* If we believe that this great Work was the *Work of God*, in whose hand are the Hearts of all Men, why should we question but he who directed the Wind at Sea, directed also now, at their arrival here, the Motions of this Man's Heart

These the special Work of God.

Heart to so seasonable and necessary Admonitions for the farther promotion of that Work which he had so eminently favour'd hitherto? And the great Change in the progress of Affairs, which we have since seen, confirms the same; inasmuch as it shews the Admonitions to have been not a little necessary. And if that be so, it is the more likely that some Miscarriage there hath been, contrary not only to certain Duties, but to some such particular express Admonition; which is a great aggravation of that Fault, which hath had the unhappy Effect to raise up such an Interposition between the happy Influence of Heaven and us.

Whence the Miscarriages on the Resolution proceeded. The next thing then to be inquired is, Whose, and what this Miscarriage may be? The Persons concern'd in the Success and Management both, were the Prince himself, his Counsellors, Ministers, and those about him, and among them he especially who gave those Admonitions, the Convention, the Army, and the Navy; in the Success alone the People of these Nations, the Church of England, and the Confederates beyond Sea, whose Design is as much affected with it, as the Concern of any other. But whoever else might be concern'd in the Fault, because the Prince was not only principally concern'd in the Success and Management both, but

The Prince himself one Cause of it. had before been made so glorious an Instrument, that nothing could stop his Advance, it is not reasonable to believe that he should have been at all deserted by the propitious Powers of Heaven, without some Offence given by himself, either by his own Act or Neglect, or by Participation with some other. And to discover what it might be, is a matter of great Importance, and requires no less Fidelity in any Man to endeavour it, than Skill to do it effectually; Fidelity to God, to himself now King, to his Country, and Good-will to a most just and honourable Cause, and to all concern'd in it. And all this I hope is ground enough for plain dealing.

Who ought to reform the things amiss by his Ancestors. I cannot think of this King, without thinking also of his Predecessors in the Throne of these Kingdoms, from whom he is personally descended, and now succeeds in their Estates. Had he been only personally descended from them, he had not been so far concern'd in the Fate of their Family; but having now accepted their Seat and Right, he thereby succeeds in their Obligations, and must either discharge their Debt by reformation of what they have in that Capacity done amiss, or bear their Iniquity, and succeed also in their Punishment. They had all the Favour of Providence in their access to the Throne, and some of them in a special manner, even beyond their Expectation or Hope; but none more than this: But they all deserted imprudently the Conduct, and ungratefully the Service of that benign Providence, and following their own Ways, were thereupon deserted by it; and, *Rehoboam* like, left to the unsound and pernicious Counsels of Flatterers, and unfaithful self-seeking Favorites, who for their own sinister Ends divided the Common Cause, and set up a separate Interest of Prerogative against Law, and King against the People, and turn'd the Court and Church into a *Combina'd Faction*. This hath been the *Stumbling Stone*, and *Rock of Offence* to all the former; and I know not any thing that can be more dangerous to this, and if he be not well aware of it, to the remainder of that Royal Family, if not to Monarchy it self in this Nation.

The Councils by which a K. of England should be advis'd. This is a matter of so great Consequence for the Peace and Prosperity both of King and People, to be well understood, that it deserves a more particular Consideration. And these two Observations will make it very plain and apparent.

1. It is certain, that by the Constitution of our Government the King can legally do very little, but by the Advice of some Legal Council. The Councils by whose Advice he is to proceed, are, 1. The Great Council of the Kingdom, the Parliament. 2. The Lords, who are *Conciliarii Nati*. 3. The King's Council for Matters of Law, antiently consisting of other and more Persons, besides the Judges and Serjeants, than now are consulted with: And, 4. The Privy Council.

Secret Cabals not agreeable to the English Constitution. But Secret Cabals and Cabinet Councils of Favorites, are neither agreeable to the English Constitution, nor have been ever successful, but always pernicious and destructive to such Kings as have most relied on them. In what is done by Advice of Legal Counsel, the King is always, and ought to be excused, and the Advisers answerable for it: But what is done by illegal Counsels, is imputed to the King himself, and usually produceth Discontents in the People. And of this was King Charles the Second very sensible, when in his Declaration, dated April 20. 1679. he tells the Privy Council, 'He is sorry for the ill Success he hath found in this Course, and sensible of the ill Posture of Affairs from that, and some unhappy Accidents,

dents, which have rais'd great Jealousies and Dissatisfaction among his good Subjects, and thereby left the Crown and Government in a Condition too weak for those Dangers we have reason to fear both at home and abroad. And then declaring his Hopes that those Evils may be prevented by a course of wise and steady Counsels for the future, and these Kingdoms grow again to make such a Figure as they have formerly done in the World, and as they may always do, if our Union and Conduct were equal to our Force: and his Resolution to that end to lay aside the use he had made of any single Ministry or private Advisers, and to constitute such a Privy Council as for Number and Choice may be fit, and to govern by the constant Advice of such a Council, together with a frequent use of his great Council of Parliament; *he adds*, which he takes to be the true antient Constitution of this State and Government. The Mode was before, and soon taken up again, to draw the Orders, Matters of greatest Moment being first resolv'd in a private Cabal, as made by the King in Council, instead of by Advice of the Council; and to prefix the Names of all present, instead of each, who consented to them, subscribing his own: so that none could be charg'd with what was done but the King himself; which was no less prejudicial to the King and Kingdom, than contrary to antient Custom, and the good Polity of our Ancestors.

The other Observation is his; What at first, and for some time was order'd by the Assemblies of Christians, the Clergy in process of time assum'd to themselves to order alone: and what was then done by the Common-Council of the Clergy, the Bishops afterward assum'd to themselves alone with their Chancellors. And in some Ages after the Bishops of Rome made the like Encroachments upon the Right of all, especially in Matters of most Advantage, as the disposing of Bishopricks, &c. At last Hen. 8. with us, perceiving the Injustice of the Papal Usurpations, instead of restoring things to the right and original Institution, so far prevail'd with his Parliament, as to get all annex'd to the Crown. And no doubt this was thought a special Acquest, and much for the Advantage of the King and his Successors: but it prov'd, like ill-gotten Goods, a pernicious Morfel. For it soon excited the most aspiring of the Clergy to seek by Flatteries to obtain their Favour, who had the Disposal of the great Preferments of the Church. This soon produc'd false Notions concerning the Royal Power; and the Interest of those who design'd that Profession, made those Notions easily swallow'd without much Examination: till at last the very Youth in the Universities were leven'd with them; and being so early season'd therewith, they could not but take deep root in many honest and well-meaning Persons. Again, this must needs have the like Influence upon Kings, who are of themselves as apt to assume, as Flatterers are to attribute, whatever tends to the Inlargement of their Power. On the other side, the greatest part of the Nation, that is, all who have no Temptation to Flattery, well knowing their own Rights, could not be wheel'd out of them with mistaken Names and groundless Notions. And from these two Roots have sprung that combin'd Faction, which hath so long and often occasion'd the shaking this Throne with such violent Concussions, and will undoubtedly overturn it, if things be not restor'd in time to their right order.

And to prevent so great a Mischief, it may be farther serviceable to observe the difference between this Faction, or the Factious Church of England, and the true Church of England. For as the Church of Rome arrogates to itself the Name and Title of Catholick, and excludes all others who are not of that Communion from any Right to it, and yet is it self at best but a part of that which is indeed the Catholick Church; so the great Zealots for this Faction, under the Name of the Church of England, will hardly deign the Name of Church of England-Men, to any who run not to the same excess with themselves: tho if the matter be rightly computed, they will not be found so great a part of those who do justly come under that Denomination, much less of the People and Strength of this Nation, as they may seem to some, and would be thought to be. For of those who are not inferior to any either in Conformity to the Church both in Doctrine and Worship, and that not out of any sneaking or crafty Compliance, but Judgment and Choice; or in true Loyalty and Fidelity to the King in his Just and Legal Rights; they are as little inferior in Number or Interest: who notwithstanding, preferring Christianity it self before any particular Church, and a complete genuine Loyalty to the intire State and Constitution, before a partial pretended Loyalty to any Party in it, do not think themselves oblig'd, either by any Duty

to the present Church, to neglect the greater Duties of Christianity, Charity, and reasonable Condescension in things indifferent; or by any Reverence to Ancestors, to neglect what is necessary at this time, as well for Peace and Unity, as for Supply and Improvement of what they themselves had begun, and declare was not then compleat and perfect; or lastly, by any partial Loyalty, or even Oath of Fidelity to the King (which extends but to his just Rights, and those too for the Benefit of the Whole, so that he cannot alienate or alter them at his own Pleasure) to desert the Rights of their Country, and the confessed true antient Constitution of the State and Government. And these solid Principles being grounded upon Truth and Justice, wherein another great part of the Nation is equally concern'd, must needs prevail at last against the false Pretences of a violent Faction, which hath no other support but Ambition, Avarice, and Animosity, animated by the Favour and Compliance of a flatter'd, easy, and deceiv'd Prince, tho they create no little Disturbance for some time, for the Injoyment of their great belov'd *Diana*. Besides, if we consider the Tendency of the Motions of the Divine Providence at this time, it is not likely that our Lord will much longer suffer such unprofitable Servants in his Vineyard, but spue the *Laodicean* Faction out of his Mouth, unless they speedily mend their Manners. But to return:

Divine Providence not
left apparent in re-
storing Ch.
II. than in
this Revolu-
tion.

The Arm of God, that is, his Divine Providence, was not less apparent in that Revolution, which restor'd King *Charles II.* than in this, which hath brought this King to the Throne; nor less obliging. Nor were the Opportunities then less than now, which were put into his hands to have made himself and these Kingdoms happy; but he, insensible of that illustrious Providence, and regardless of his Word, gave up himself to Sensuality, airy Phantries, and crafty Policies, and most ungratefully by an evil Example, transfus'd a Torrent of all kind of Vice, Fraud, Injustice, Profaneness, Contempt of Religion, and all manner of impudent Wickedness, over the Nation. And all this descended as a Charge upon his Successor, either to be expung'd and discharg'd by solemn Humiliation and effectual Reformation, or to be answer'd and born by himself in the Measure of Punishment and Affliction to be laid upon him. But this was a matter which had too much of the Influences and Approbation of his own Party, to be check'd or restrain'd by him. On the contrary, it was by him aggravated with Additions of such Violences and bare-fac'd bold illegal Attempts, and those for so ungrateful an end, the Restitution of the Romish Abominations, as his Brother had either more Consideration, or less Courage, than ever to venture upon, till the Land cast him out: those very Persons who had basely betray'd him into those Mischiefs, by Pretences of Loyalty, and magnifying Prerogative above the Law and the Truth, and by flattering Addresses, being many as forward as any to conspire against him, when their own Interest was touched, and others to come into the prevailing Party; and will likewise betray, whoever they are, who shall trust or rely upon them.

What was
the Work
the Pr. was
to do here.

This was the State in which the Prince at his Arrival found this Kingdom: And if this was the marvellous Work of God to bring him hither, we may easily perceive from hence what was the Prince's Work for which he was brought. Shall we think it was to drive out Popery and Arbitrariness, that we might enjoy our Rights, and therewith the greater Liberty to profane a purer Religion, and by impudent Violation of it, bring all Religion into Contempt? No, no, these were but Accessions of the principal Evil, as made way for the Ejection of that unhappy deluded Prince, as well for neglect of his Duty, in not restraining the over-spreading Impiety and Wickedness of the Nation, as for his own Additional Transgressions. And if after all it be not now reform'd, it will certainly prove such a Canker and Root of Bitterness, as will soon grow up to produce the like Evil Fruit again of it self, without any such Additional. For can any one imagine that the Abominations of Debauchery and Impiety can be less offensive to the most Holy God, than the Abominations of Popery? or that the Popish Superstitions, Errors, and Impostures, can be more offensive to him, than impudent and presumptuous Violation, and notorious Profanation of a purer Religion, and open Contempt of all? If not, then the Reformation of those Impieties and Wickedness, which have over-spread the Nation, but especially the Nobility and Gentry, and most of all the Army, which soon submitted to him, was a special and principal part of his Work, which he was conducted, and as it were led by the Hand to do. And therefore plainly, without more saying, by neglect of this was the Fault committed: In this was the stop put to the Course of this

His not pro-
curing a Re-
formation,
&c. put a
stop to the
Work of
God.

Work

Work of God : This was the Good which might have been done, but was not, and is therefore to be accounted for both to God and Man. This Neglect, it being one of the great Sins of the former Kings, was therefore now a Relapse into the same : This was a Neglect, of Care to have God ever on our side : And by this was the Interposition rais'd between the happy Influence of Heaven and Us : A Fault committed against a great Duty, after so admirable a Divine Conduct to it, and so many express and weighty Cautions and Admonitions.

And yet this is not all, for the same Divine Providence, which so seasonably gave him these Admonitions by one, as seasonably sent him a Specimen of a Declaration against Debauchery by another, with no mean Motives, closely couch'd in a short Letter. It was compos'd according to the Prince's Authority, and the State of Affairs, as it then was ; the Expressions of Command directed only to the Armies and Soldiery, who were properly subject to his Command ; what had respect to the Civil Magistrate, or future Parliament, in Expressions only of Hope and Expectation. And as much as this might have been done by any General of an Army : but God, with the Success he had given to him, had given him also that Authority and Respect in the Minds of all Men, which would have extended the Effect of such a Declaration to those to whom it was not directed ; and he would also undoubtedly, had the Prince but first declar'd, and then shew'd his Resolution, by distributing his Favours according to Mens Conformity thereunto, have made all as quietly comply therewith, as he made the Army submit to his Power, and have made this second Atchievement no less glorious to him than the former, not only for Confirmation, but Augmentation also of his Honour and Authority. His very Presence should have dispers'd the Wickedness of this Nation ; and the Divine Presence should have continu'd with him, and have given him Rest and Happiness. But here was the Fault ; an unhappy, tho (I hope) not yet fatal, Fault committed.

A Suppression of Debauchery, &c. in the Army wou'd have been a noble Atchievement in him.

The wife Governor of the World, whom he calls out to any special Service, whom he usually, if not always, leads to some special Trial of their Fidelity : wherein if they acquit themselves well, he makes them afterward very happy and prosperous ; but if ill, either wholly lays them aside, or leaves them to great Difficulties, till they recover themselves by Repentance, and some very generous Act of Fidelity. This Declaration was presented to him the same day in the Morning, on which the Lords in the Afternoon presented him with an Address to accept of the Administration till a free Parliament could be assembl'd. That both these Proposals were presented to him on the same day, was not without the disposal of the Divine Providence. The one was for the Honour and Service of God, the other in appearance for his own Honour ; and both made up a plain compleat Trial. And the latter he accepted, but the former hath been neglected to this day. The Cause of such neglect is principally either the Fascination of Prosperity, which disposeth Men to forget God, or the Deceitfulness of worldly Wisdom, which betrays them to forsake him, and apply themselves to ordinary sensible Means to secure what they do in-Fact prefer before him. When these two meet, they make a strong Temptation ; but against both he had the fresh Experience of the Favour of God, and of the irresistible Power of the Divine Providence over him, and making all things easy and plain before him ; and this made the Fault the greater and more inexcusable.

God usually leads those whom he calls to special Service to some Trial of Fidelity.

What was the Trial of the Pr's Fidelity.

Nor is this so small and inconsiderable a Matter as sensual Men may be apt to think it, which possibly may be the better perceiv'd, if we take notice more distinctly of the several particular Ingredients comprehended in it, and how aptly certain like particulars, of which the Unhappiness of this Change is compos'd, do correspond to them. And, *First*, if we consider it as a Neglect of Duty, and Desertion, for the present, of a principal part of the Work, to which he was led in so extraordinary a manner by the propitious Providence of God ; is it not as plain that that propitious Providence, which before made his Progresses so exceeding smooth, easy, and successful, hath in like manner since either deserted, or so neglected his Affairs, that all have either gone back, stood still, or proceeded very slowly ? *Secondly*, As this Neglect was also a matter of Unfaithfulness in his Lord's Service, in which he was as a special Instrument employ'd and intrusted ; so never was Unfaithfulness more notorious, than in the Occurrences of this last year in such as were employ'd and intrusted under him, as is commonly believ'd, and shall be discover'd in its Causes hereafter. *Thirdly*, It was a Neglect of his Honour, who had confer'd, by so extraordinary Success,

Neglect of Reformation of Manners, &c. no Neglect of Duty. As it is a Neglect of Unfaithfulness in the Lord's Service,

And a Desertion of Dependance and Trust,

so much Honour and Reputation upon him; and such Change of Success is usually attended with proportionable Diminution of Honour and Reputation. *Lastly*, Here was (the Root of all) a *Desertion of Dependance and Trust*, in that potent Providence which had favour'd him hitherto in so extraordinary a manner, and recourse to deceitful worldly Wisdom. It was the Unhappinefs of King James I. that after an admirable Deliverance from a horrid Popish Conspiracy ready for Execution, he apply'd himself first to Connivance, and at last to Association with Papists for his Security; which, contrary to his Expectation, prov'd the Original of all the Mischiefs which have since befallen his Family: So likewise this Prince, after as great an Experience of the Divine Providence over him, left the Kingdom should return to King James, thought to deal wisely with them, and (after *Hushai's* Advice) defer this great Work, first till the Kingdom should be settl'd, and then when he was proclaim'd King, till Ireland should be reduc'd, and he should have a sufficient Power (an Arm of Flesh) to do it effectually, and in the mean time try what effect a good Example and Kindness, intrusting them with Offices and Employments in State, Army, and Navy, would have upon such vicious People in the end; which in like manner, contrary to his Expectation, hath prov'd the Original of all the Impediments and Disappointments in his Affairs. *O that my People had hearken'd unto me, and Israel had walk'd in my ways! I should soon have subdued their Enemies, and turn'd my Hand against their Adversaries: The Haters of the Lord (the Profane and Debauch'd) should have submitted themselves unto him; but their time should have endur'd for ever.* Ps. 81. 13. *Now would the Lord have establish'd the Kingdom upon Israel for ever.* 1 Sam. 13. 13.

Which was the Root of the miscarriage of Affairs.

This was the Root of the Miscarriage: *Hast thou not procur'd this unto thy self, in that thou hast forsaken the Lord thy God, when he led thee by the way?* Jer. 2. 17. From hence hath plainly proceeded this great Change of the former prosperous Course of Affairs into so disturbed, impeded, and unsuccessful, even by a natural Chain of Causes after the first Breach, but those mov'd and promoted (thro the Divine Permission) by other invisible Powers than those which gave that great Success before. The presence of so favourable a Providence, ought to have been answer'd with a proportionable Magnanimity, Resolution and Constancy, in dependence upon that Divine Power: but in such a case to stoop to Compliance to those who ought to have been aw'd and subdu'd, is dishonourable, and a great Offence to those Divine Powers; and if those be once provok'd to withdraw, a Man sinks presently under the Power of them, who otherwise should have been subject to him. And by this Fault without doubt, and his Acceptance of their State, did this Prince enter into the Fate of his Ancestors of this Nation, and will be daily more and more involv'd therein, until it either prove fatal to him, or he by Repentance, and some magnanimous and resolute Change of his Course and Methods, extricate himself.

The Prince fell into the Faction of the late Reigns,

And it is very observable, that he not only fell by the same Sin, but fell into the very same Faction, which for the four last Reigns successively, have by their Flatteries of Princes for their private Advantage, and Provocations of the People, by Tricks, illegal Projects and Practices, brought all those Mischiefs which we have seen and felt upon both: Whereas both Civil Prudence, and Duty to God, *i.e.* Fidelity to the Conduct of his Providence, requir'd that he should have maintain'd the Reputation and Authority he was rais'd to, made himself Umpire of all Parties, restrain'd the Excesses, and discourag'd the Insolences of each, and with a mixture of Authority and equal Kindness to all, reduc'd them as near as might be to an Union, or at least to a mutual Agreement in Matters of common Concern. But by the Course of Affairs, he seems to have been rather passive than active in the Management thereof; and what Counsels prevail'd therein, may by the same also be perceiv'd.

And the Persons who advis'd the illegal Projects in Ch. II's Time.

Nor was it only into the same Faction that he fell, but into the Hands of those very Persons, who in the Reign of King Charles II. (for under King James they were overtop'd by others) were the principal Advisers and Managers in those illegal Projects, and now being conscious of their own Guilt and Desert, have by themselves and their Tools not only hitherto obstructed Justice upon the Betrayers of their King and Country, to the great Disparagement of the present Settlement, but animated such a mungrel Party, and therewith fill'd many Offices of the Revenue, Army, and Navy, as are real and hearty neither to this nor the former King, but intending only their own Safety or Advantage, are dispos'd to act, as in a doubtful Case, so as may best serve their Turn, which ever prevail. And from this sort of People have proceeded most of the Rubs and Difficulties in our

Proceedings; and among such it could not be hard for some of the Agents of King James to creep in.

But as when Men do not closely and fully follow the Divine Conduct, if they be but a little deserted by it, and left to themselves, they are immediately expos'd to the various Miscarriages; so there was another Miscarriage of his Ancestors into which he likewise fell, if what is commonly affirm'd and believ'd is true, which prov'd a great Inlet unto all sorts, and the very worst of Men, into Offices and Employments; and that was, permitting the Sale of Offices and Places, or granting them at the solicitation of such as did it for Money; and which is worse yet, such as were Strangers, and utterly unacquainted with Persons and their Qualities. This could not but expose very considerable Places to the Agents, not only of K. James, but of the French King, to be purchased with his Money (which of late is become more common here than ever) no doubt but for his own Advantage. He is believ'd to have been a good Chapman to those who were before in Places to do him but some particular Service; and therefore to get in such as were intirely at his Service, he would undoubtedly be much more liberal; but especially under such a Juncture of Affairs, when the Purchase of our Diversion in Ireland but for this last Summur, was worth, for ought I know, as much as half this Kingdom.

Now from such People as by these means might be, and undoubtedly were, let into places of great importance, what can be expected less than all Unfaithfulness and Treachery imaginable; and what less from that, than such Success and Disappointments as we have met with? And what is a more natural Product of that, especially when it proceeds, either immediately or originally from a Man's own oversight or miscarriage, than Dishonour and Contempt; or a just Provocation of the Divine Majesty to cause or permit it to befall them, than their neglect of his Honour and Service? *He poureth Contempt upon Princes, and weakneth the Strength of the Mighty, Job 12. 21. Psal. 107. 40. They that honour me, I will honour; but they that despise me, shall be lightly esteem'd, 1 Sam. 2. 30.* So easily can the most Wise and Powerful God, when he pleaseth, cause a just Punishment in all Circumstances of mens Miscarriages, to proceed even naturally from some small insensible beginning in their own Actions. *Thine own wickedness shall correct thee, and thy backslidings shall reprove thee - Know therefore and see, &c. Jer. 2. 19.*

And yet to give some gentle Admonitions, that there was more than merely natural in it, he was pleas'd to intermix some Occurrences of a distinguishing Providence: Such was that brave, undaunted, and admirably successful Resistance of all the Assaults of King James his Force in a close Siege for near twelve Weeks together, by those poor, unexperienc'd, and undisciplin'd, but sober and serious People of London-Derry: Such the magnanimous and successful Attacks of the Irish Forces by those of Inniskilling; whereas the famous General Schomberg, with all his disciplin'd Forces of the old Army, and his Experienc'd and lately Successful Foreign Forces, had not the Power to hurt or attack the Irish Army, which lay encamped so long together almost by his side: And such was that in Scotland, when one single new-rais'd Regiment bore the brunt, and defeated the same Force which before had beaten the General there, with several Regiments of the old Army.

And it is very observable to this purpose, how little serviceable, either to King James in England, or to K. William in Ireland, those poor Creatures of that dissolute Army have been, whose provoking Sins, by a generous mixture of Authority, and Encouragement to reform, might have been restrain'd at first, and in a great measure cured, to the Honour of God, and greater Service in this Cause. But on the contrary, many of them there languishing in their Iniquities, and corporal Sickness together, have only help'd to consume our Provisions, and are daily consum'd by Death, and swallow'd up of the Earth; the Merciful God being constrain'd to purge the Land by degrees by his severer Methods, while inconsiderate Men neglect to be the Instruments of his milder. A pitiful and deplorable Case indeed! which I cannot think on without sad Reflections upon him to whom this Matter was so early recommended, with no inconsiderable, tho very plain Admonitions relating to his Station.

And I do the rather take notice of this here, because this Person was, of all Men, next to the Prince himself, concern'd in this matter, in regard as well of the Circumstances he then was in, as of that special Recommendation of a Matter of so great Consequence to his Care. Whoever was the Person by whom it was recommended, God, &c.

commended, it was undoubtedly by the secret direction of the same Providence which directed his Admonitions, and no less oblig'd him, than those did them to whom they were deliver'd. If he did faithfully discharge the Duties of his Circumstances as he ought, he hath the less to answer for; but then that is an unhappy Ingredient in this Case. But if he did not, but instead of the personal, plain and powerful Admonitions and Persuasions of a judicious and faithful Divine, he took up with the prudential Considerations of a Statesman or Politician; and instead of reminding the Prince of his great Duty of attendance to the Conduct of that powerful Providence which attended him, and of exciting him to a magnanimous prosecution of that glorious Work to which it led him; he prudentially mislead him to stop at the Bait which lay in his way, and daubing, even stoop'd to raise such as oppos'd him, and by compliance animate a mungrel Party; he disabled the Prince by lowering his Authority, hath unhappily retarded, if not defeated a principal part of his Glorious Work which God hath laid before us, and must be *accountable both to God and Man for all the Good he might have done, and did not*, and for all the Evil which hath follow'd upon this Neglect; and the more, because contrary to his own Admonitions.

True Divi-
nity, what.

True Divinity is much different from the Notional, Systematical and Polemick, in which a Man may be very ready, and have besides a great Furniture of other Reading, Oratory, and all kind of Polite Learning, as they call it, enough to make him look big and be admir'd in the World, and yet be very unskilful in the other. It is a Divine Wisdom, a quick Understanding in the Fear of the Lord, not to be learn'd in Schools, but taught of God; a Divine Ray cast into, and kindly receiv'd in a well purify'd Soul: which gives it a clear distinct Sight, and true Estimate of the different Value and Worth of things; an abhorrence of what is really Evil, a contempt of what is splendid and gaudy, but empty and vain, the Poms and Vanities of the World; and a just esteem of all that is really good, according to their different degrees: of God above all, and therefore with a great Care and Concern for his Honour and Service; of the Blessed Creatures above us, that they may be gratify'd, and not griev'd or offended; and of the Souls of Men, that they may be rescu'd from Perdition; but of the temporal Concerns of Men, only as they are subservient to this: Directs it to act as a Child of Light, discerning what is acceptable to the Lord, and what is displeasing to him. It is not to be attain'd by Men, whose Affections are intangled with the things of the World, nor constantly enjoy'd by such as are immerse'd in the Business of it. And yet without it, no Man, let his natural Parts, his acquir'd Accomplishments, his Degree in Holy Orders, and his Preferments in the Church be what they will, can be a true Divine; but he is in truth so much the greater Impostor, appearing in Habit and external Form what he really is not, a carnal, sensual, or animal Man at the best, not having the good Spirit, but in many things obnoxious to the Impressions and Deceits of the subtle Evil one; and therefore most dangerous to Princes and Persons concern'd in the great Affairs of the World to be rely'd on. But this I intend only for a general Caution, not to reflect upon any particular Person, much less upon him before mention'd: For I do not know how he may have behav'd himself.

But of those about the King, they who have been accessory to this Summer's ill Success, especially by evil Counsels, or recommendations of evil Men, may be best known to himself. It is true, at his first coming he was under a great Disadvantage, that he had not so full knowledg of Persons as was necessary for the State of his Affairs; but such hath been the Business, which since hath been in agitation, as cannot but have given him a competent experimental Knowledge of those who have been concern'd in the most important Parts thereof. If he do but consider the Success of his Affairs, and then recollect by whom, and by whose Counsel or Recommendation they were manag'd, he may in good measure perceive the Disposition of the Persons, or what they design'd or aim'd at.

The Parlia-
ment how
Principal
in the un-
successful-
ness of the
Revoluti-
on.

Of the Parliament I have already mention'd some things with respect to the unsuccessful and retarded Course of our Proceedings: We are now enquiring into the Original and first Cause of this great Change, which is not to be imputed to the King only: The Parliament also have been Principals in it, and that by great and notorious defects of Religion, Gratitude and Piety towards God; and of Justice, Charity, Providence, and Unanimity and Courage for their Country. They are the Representative Body of the Nation: To them it belong'd to have well consider'd the admirable Mercy and Favour of God in our late Deliverance, and to have made return of real Gratitude, and not put off that with a superfi-
cial

cial Formality; to have well consider'd the desil'd and sinful State of the Nation, as well as the State of its Affairs; and to have endeavour'd the Recovery of the Favour and Blessing of God upon those, by an effectual Purgation and Reformation of that; and to have begun with some good Orders for correction of the Profaneness and dissolute Manners of their own Members; which had been an Act of Charity and Providence for the good of their Country and themselves, as well as of Religion and Gratitude to God. For his Blessing is not to be expected upon their Consultations now, till the Impieties and Wickedness of their own Members be reform'd or remov'd. And to them it belong'd also to have made some Examples by Justice upon the Betrayers of the Rights of their Country, as well to assert the Justice of their own Proceedings against the late King, as to prevent Encouragement to the like Practices for the future by their connivance. And to them it belong'd to have made a timely Inquiry into the mismanagement of Affairs, whether by Ministers, Counsellors, Officers, or by the King himself; and to have plainly, that is, faithfully represented the same to the King, and desir'd redress of what had been done amiss by himself, and proceeded against the rest according to their desert. This was their Duty, this had been like a true *English* Parliament: And this doing, we might have expected God's Blessing; for he favours not the Wicked, nor Fools, who mind not their own Business. But such a Pusillanimity and Baseness has possess'd our Parliaments of late, since the dissolute Manners were so encourag'd by *Ch. II.* that they have been more apt to complement away the Rights of their Country, to gratify the Humour of the King, and the Safety and Honour of the King himself, to please his Minions and Favorites, than do any honest, faithful and generous Act for the preservation and real Benefit of either.

Before I quite leave the Parliament, it may be fit to remember the Bishops, who make a part thereof, and in this case deserve a special Consideration. They are the chief Governors of this Church: To them it belongs by their Office to take care of the Manners of the People, to be concern'd at great, common and notorious National Sins, to admonish and importune the Civil Magistrate; and being moreover Members of Parliament, to propose and promote good Laws, for the Correction and Reformation thereof. And all Matters of Religion do so peculiarly belong to their Care, that the Neglects before mention'd in the King, and in the Parliament, are with no less Reason, but rather more, especially chargeable upon them. And it is an ill sign of the great prevalence of Impiety and Wickedness in the State or Parliament it self, if they durst not, or out of *Laodicean* Coldness and Insensibility in themselves, if they would not; for certain it is, they did not do in their station in the House, what so singular a Mercy of God, the so sinful State of the Nation, this late great Change we have suffer'd in the Course of our Affairs, and the present cloudy Face of things do so plainly require. Such a Neglect at such a time as this, may justly move us to reflect upon former Times, and the many and great Advantages, Opportunities, Occasions and Provocations they have long had to do good both at home and abroad; and, considering notwithstanding how little hath been done, to suspect that *Constantine's* Poison hath some Lethargick, or Narcotick Virtue in it to benumb the Nerves, and stupify the Spirits and Life of Zeal and Devotion in such as taste but a little too deep of it.

And of this, to what is already mention'd, I will add two fresh Instances of my own Knowledg: The one of a great Clergy-man, who having well provided for himself in the World before elsewhere, and besides gotten good Preferment here, could yet permit, tho admonish'd of it, the Propagation of Religion among his own Countrymen to go a begging here for so small a Relief and Assistance as he himself might very well have supply'd: The other of some dignify'd Persons of considerable Note in the Church, who when a well-affected Lay-man, out of pity to forty or fifty thousand Souls, had consider'd and propos'd to have the Care of so great a Parish committed to some Man of a Primitive Christian Disposition, who contenting himself with a reasonable share of the Profit, would have distributed the rest among as many young Curates as it would maintain, whereby both the Needs of the People might have been better supply'd, and those Persons by their mutual Advices and Assistance in such a Work, the beter fitted and prepared for the Cure of Souls in Parishes of their own, yet were pleas'd to interpose for the Presentation, and so far as to obtain it at least from another Competitor, in no commendable manner, for one who had at that time a good Parsonage, a good Lecture, and a good Prebend, as a Preferment for him.

*The Bps
culpable in
not promot-
ing Nation-
al Piety.*

*Greedy af-
ter their
own Profit.*

Which is
scandalous
to Lay-
Spectators.

Such scuffling for Preferments in the Church, is a great Scandal to many ingenious Lay-Spectators, to suspect the Sincerity of those who take upon them to be Preachers of the Gospel, and yet discover so little of the Power and Effects thereof in their own Actions. And this cannot but greatly obstruct the good Effect of all their Preaching upon such. It is also a great Temptation to one of the greatest and most common immediate Causes of most of our Mischiefs, both Publick and Private, Over-valuation and Greediness of the Superfluities of the things of this World, which all their Preaching can never cure, while it is daily confirm'd and heightned by such Examples. And from the same Root doth proceed all that Pharisaical Zeal for the Church, and Jealousy and Dread of the least Alteration, tho ever so reasonable and necessary, in many, who shew little sense of Religion in any thing else; which hath long disturb'd both Church and State, and doth at this time expose both to Danger. These things being observ'd, together with so great coldness in the weighty Matters of the Law, cannot but cool the Affections of their best Friends to them, and avert the Favour both of God and Man from them. This therefore we may reasonably look upon as one of the original and provoking Causes of this stop and change of the late happy Course of Affairs: *Thou sayest, I am rich and increas'd with Goods, and have need of nothing; and knowest not that thou art wretched, and miserable, and poor, and blind: Be zealous therefore, and repent.*

Courts of
Justice ge-
nerally
well sup-
ply'd.

Concerning our Judges, and Civil Magistrates, I have little to say: Our Courts of Justice are so well fill'd with such Persons, as the Profession of the Law doth not afford better than most of them are; only few of those who are in, were more worthily prefer'd, than one, whom I need not name, was unworthily left out. His personal Worth doth well qualify him for that Service; and his singular Merit, in his generous appearing for the Service of his Country, in Occasions of greatest Difficulty, did most justly claim it: And however it came to pass, certainly no Man of Virtue and Ingenuity would ever oppose it.

The illegal
Fees of
the Cu-
stos Rotu-
lorum, an
abuse on the
Peers, &c.

But because Corruption and Abuses in great places, besides other Mischiefs, are of pernicious Consequence by their Example, I think fit to take notice of one which deserves Correction, because it not only concerns divers great Lords, but is obstinately persisted in, contrary to the Opinion and Advice of Mr. Attorney himself. And if the Lords will pass by such an Abuse to themselves, I know not what People of inferior Quality may expect in time. It is the needless and illegal Charge they are put to, before they can be inserted into the Commission of the Peace of any County, for *Custos Rotulorum*; I need but name it.

As to the Army and Navy, the Seamen are generally honest, and true to their Country and Protestant Religion, and many among them sober and serious People; but a great part of their Officers, and the Land-Army, who were nearer the Influence of the evil Examples at the Court, are generally so dissolute and debauch'd, that it is not to be believ'd that God will ever be with them, or prosper them, but rather waste and consume them, till he has wholly purg'd the Land of them: and therefore so unhappy a Company of People amongst us, must needs make us unprosperous and unsuccessful, till they be either destroy'd or reform'd.

People of
England
take Ex-
ample from
the Court.

Concerning the Body of the People of *England*, tho the unhappy Effects of the pernicious Examples at Court have reach'd all Ranks and Degrees amongst us, yet have they been most prevalent upon such as were nearer in degree or converse to it; so that the lower Ranks of Men, which are most numerous, and the Strength of the Nation, tho not wholly escap'd, have yet been least corrupted by them: and were the Examples of Virtue in our great Men now, but any way proportionable to what their Examples of Vice have been for so long past, I do not doubt but they would soon appear again as considerable as heretofore they have done. So that there is little to be noted in them, but what is deriv'd from those above them, and is plainly to be imputed, not more to their Neglect of good Examples, good Laws, and good Execution, than to the Energy of their wicked, profane, and impious Examples. And these being besides only passive, and concern'd only in the Success, not in the Management of the Affairs, are not to be so much consider'd in the case. Nor shall I say any thing of our Confederates beyond Sea. And therefore to draw to a Conclusion.

The CONCLUSION.

AS almost all the Wickedness of the former Reigns proceeded originally from those Kings, and Judgment hath been begun first to be executed upon them; so hath likewise the Fault, whereby that great Work, whereof this King was call'd out to be the glorious Instrument in these nations, hath been hitherto interrupted, plainly proceeded from himself: For by Neglect, thro prudental Connivance, of the Duty to which he was led, and thro politick Compliance, of the Authority to which he was rais'd by so manifest a Divine Conduct, he did not so much engage to himself, as animate against his Interest, that Party which first oppos'd his Ascent to the Throne, and afterwards by pernicious Counsels, and underhand Dealings, as is believ'd, impos'd upon him, disappointed his Proceedings, weaken'd his Reputation, and entangl'd him in their Snares; which yet, had he steddily follow'd the Divine Conduct, must have stoop'd, and quietly submitted to him.

And now, if we look forward, there are but two ways before him, one plain and direct, the other devious, dangerous, full of Precipices and certain Mischiefs; *The Ways to avoid the Mischiefs consequent on the neglects of Reformation.* *Via Lucis, & Via Tenebrarum*; the right Way, which he left, and this which he hath unhappily chosen, wherein if he proceeds he is like to fall into one of these Inconveniences: either to be dangerously undermin'd by King James his Party, of which are many of the Faction before mention'd, tho they have sworn Fidelity to him; or else to be irrecoverably engag'd with the old Instruments of Arbitrariness, who considering how ill they have deserv'd of their Country, can think of no better Expedient to cover their own former illegal Projects, than drawing the present King into a Participation with themselves in the like.

The natural Tendency of this way to those Ends, is very apparent on a human Consideration: and if we consider it with respect to the Divine Providence, as we have great reason to expect, upon the Considerations before mention'd, some Divine Judgment upon it; so none can be more agreeable to the Divine Methods in such a Case, than one of those I have now mention'd, that is, either to give him up to those *Rebqboam* Counsels, which have been so pernicious to his Predecessors in this Throne; or to permit things to be brought to an *æquilibrium* between the two Princes, and by the one way or other put an end to that Family and Government, which, notwithstanding all the Methods which have been us'd to reduce them to a sense of their Duty, do still continue so unprofitable to his Service, as some of them have before been Obstacles and pernicious Adversaries to it, which yet stands undischarg'd upon account against their Successors.

But I hope, and doubt not but the other direct and safe way is still open for him to return unto; only being now somewhat more difficult, it will require, and deservedly, so much the greater Resolution. And this I take to be the way: First, to be careful to use all approv'd Means for the Recovery of the Divine Favour; and then to apply to the use of such human Means, as true Wisdom and solid Policy direct and require. But it must be in this Order, or else he will never recover the like prosperous Success; but whatever Alterations in Ministers or Politicks he shall make without that, will either prove unsuccessful, or prove so to him, he shall have but little Joyment of it.

For the Recovery of the Divine Favour in this Case, it will be absolutely necessary,

1. To settle, by good Consideration of the many express Declarations and parallel Examples in Sacred Scripture, a right and firm Judgment; 1. That whatever were the immediate apparent Causes of the former happy Success, and of the ill Success since, yet the principal Hegemonical Cause in both was from God. 2. That the provoking Cause of this great Change must have been no small Sin. 3. That there can be no hope of Recovery of the Divine Favour, and former prosperous Condition, but by effectual Removal of that Sin, whatever it be. 4. That of all the Sins which have been noted for the greatest Provocations of the like Judgments heretofore, there are none so likely to have had such unhappy Effect in this Case as that which is so often expressed in Sacred Scripture by the Phrase of the Heart being lifted up, with its Consequence of forgetting God. As in those great Cautions, *Deut. 8. 14.* and *17. 10.* and in those remarkable Examples, even of *Hezekiah, 2 Chr. 32. 25.* that render'd not again to the Lord according to the Benefit done unto him, for his Heart was lifted up; therefore there was Wrath upon him, and upon Judah and Jerusalem:

And of Uzziah, 2 Chr. 26. 16. When he was strong, his Heart was lifted up to his Destruction, and Desertion, or neglect of the special Work wherein one is employ'd; of which Saul is a remarkable Example. Lastly, That there can be no Removal of these Sins without great Humiliation, upon Contemplation of the Ingratitude, and dangerous Consequence thereof, and a resolute Return to the deserted or neglected Duty. And therefore,

By an effect-
tual Reformation.

2. To set resolutely to the Work of an effectual Reformation of this People, whom God hath subjected to him, and committed to his Charge, to be deliver'd from the Slavery of their Souls to Satan by impudent Sins, as well as of their Persons and Estates to Tyrants by Usurpation; which may by the same Divine Favour, which will not then be wanting to his own Work, be easily effected. 1. By a plain Declaration of his Resolution, commanding a strict Execution of the Laws in force for that purpose; which is one great part of the Regal Office. 2. By a steady use of his own immediate Authority, excluding from his Councils, Service, and Presence, all such as obstinately refuse Obedience and Conformity to so just, reasonable, and necessary Commands and Resolutions. And this must be done, not superficially, but with great Resolution and Constancy, and the greater by reason of the Failure before committed, even to the hazard of his Kingdom (if there was occasion) for his sake who hath rais'd him to the Throne, and can when he pleaseth as soon remove him from it, and lay him and his Honour in the Dust. Such a Resolution once declar'd will half do the Work: But it must be steadily pursued, and impartially, without Indulgence to any; for that would be to prefer a Creature before the Creator, and would prove very pernicious. Besides, such Fools and Madmen as are profane, or glory in their Shame, and such impotent Bruits as have not the command of themselves to abstain from scandalous Sins, are not fit to be admitted into the Service or Favour of a virtuous and generous Prince. 3. By passing and even recommending such other good Laws as are necessary for supply of the Defects of those we have already. This is the way to recover God's Blessing; and this will strengthen him with the Hearts and Hands of the best and most considerable part of the Nation. And this being done, he may, without confidence and without delay, proceed to

The humane Methods to recover it.

By Justice.

The proper human Means; and, 1. Such as are, and always will be necessary to strengthen his Kingdom at home in the Hearts of the People, which is to be done by good Government, and avoiding those known Inconveniences into which his late Predecessors of this Age so unhappily fell. But more particularly, 1st. By Justice (a great part of that Righteousness by which the Throne is establish'd) both to the Community, and to each Individual, without Usurpation, Encroachments, or Oppression, either by himself, or his Favorites or Officers. 2^{ly}. By Faithfulness in the discharge of the Regal Office, directing all his Counsels and Actions for the Common Interest of the Nation, as his End, and according to the true Constitution of the State and Government, as his Rule. This is plainly his Duty, and that for which, and with which he is intrusted as King, as is very apparent in all the Parts of the Constitution, let Sycophants and Flatterers say what they can to the contrary. And to this purpose, Three great Faults of the late Reigns are constantly to be avoided: 1. The Use of any single Ministry of Favorites, or private Advisers in Cabals, so that nothing be done but by Advice of a legal well-chosen Privy-Council, and under the Hands of those who advise it. 2. As well the long Continuance, as long Intermision of Parliaments, which are both equally inconsistent with the Statutes in force for Annual Parliaments, and of equally pernicious Consequence. 3. The Corruption of Members of Parliament by Pensions, Places and Promises; which is such a breach of Trust on both sides, as is odious both to God and Man; and equal to what in private Matters is commonly reputed the basest Knavery that can be.

By Prudence and Industry.

3^{ly}. By Prudence and Industry in ordering all as to this End, and by this Rule, so for the best Advantage upon all Occasions: As, 1. in the choice of fit Persons for Employments. 2. In Inspection into their Behaviour. 3. In provident Management of the Revenue and Contribution, that no unnecessary Charge be laid upon the People. 4. In conferring of Honours, wherein great Faults have been committed in the late Reigns, and in many other Particulars not necessary here to be express'd.

By these means he may make both himself and these Kingdoms happy. For it is certain, unless I have been long in a great Mistake, that both the true Constitution

tution of this State and Government is as well compos'd, both for Prince and People, as any in the World; and the People as well dispos'd to be happily and easily govern'd by it, as any upon the Face of the Earth, by any Government whatever. But it was the unhappiness of the last Race of Kings to be impos'd upon by Flatterers, that they never well understood either; or were carried away contrary to their own Sense and Reason, as they plainly were in many things.

2. But besides these things, which are of constant use to be observ'd at all times, there may be some things now specially requisite, or advisable for the present State of Affairs:

And such among others I humbly conceive may be,

1. A fair Dismission for the present, till things be better settled, both from the Privy Council, and from the Management of Affairs relating to *Ireland*, of all such Persons, as either he himself hath known to be unhappy in their Counsels to himself, or are commonly believ'd by others to have been concern'd in any illegal Practices, or Projects in the late Reigns, or have incurred the ill Opinion of the present Parliament; and to make choice of such understanding Men of unspotted Integrity, tho of Inferior Quality, as are least suspected of Partiality to any Faction.

What is requisite to be done at present.

2. A Dissolution of the present Parliament, and new Writs to be speedily sent out to summon another to sit at as short a day as may be, to confirm the Acts of this, and to put an end to all Doubts concerning the Authority of it.

3. Execution of Justice upon the Disturbers of the present Settlement.

4. A Review of those Counsels and Proceedings which have given such Disturbance in *Scotland*, and a speedy Restitution of Matters there to the true Constitution of that Kingdom.

5. A just Inspection into the Accounts of all the Money before given, and a good Management of the Remainder of that, and of this lately given, for speedy Preparation for the next Spring, to recover, if possible, the Reputation and Advantages lost the last Summer.

The Life of Man is short and uncertain; of Kings more uncertain, but of this King, by reason of his corporal Infirmary, most of all. He hath therefore cause to be more provident in the Management of the Opportunities and great Talents, with which he is intrusted both by God and Men, and of which he must shortly give Account, so as that he may do it with Joy, and not with Grief. Every wise Man will make it his chief Care to direct all his Actions to the Attainment of his greatest personal Perfection, and of his Injoyment of the most excellent Being. The same ought to be the Care of those who have any Power over others; to help them as much as may be to do the like. And this is more especially the part of a wise and good King, and the ready way to make himself and the People under him happy here, as well as hereafter. It will make him King of Men; of more than Men, that is, Christians; not of Brutes and Devils; and of a whole Nation, not only of a Party or Faction: And for this no Labour ought to be spared, no Difficulties or Dangers feared, otherwise King *James* will rise in Judgment, and condemn him.

A LETTER from a Country Gentleman, to an Eminent but Easy Citizen, who was unhappily misguided in the fatal Election of Sir John Moore for Lord Mayor of London, at Michaelmas 1681.

My Old Friend;

Sir John Moore's Promotion to the Chair the occasion of the Mischief that follow'd.

I Shall never forget, and am confident that you cannot but remember the ferocious Discourse wherewith you entertain'd me at your House in the Evening of that black Day, when a pack'd Jury butcher'd that well-deserving Citizen and Alderman, Mr. *Cornish*, within sight of *Guildball*: you did then, with the highest Sorrow, lament that Gentleman's Fall, and manifested a deep Abhorrence of your own Error, in giving your Vote to advance Sir *John Moore* to the Chair; to whose unhappy Promotion you very feelingly and sensibly imputed the many Mischiefs which from that Day had befallen your Famous City, and in particular the shedding that Innocent Blood, which to this Day cries for Vengeance.

Our long continued Friendship (*dear Sir*) will, I question not, justify me in presenting to your view at this time, some few of those Melancholy Observations which you then made; and I do it to the end, that, so far as in me lies, I may prevent your Relapsing into your former Error of misplacing your Vote, at the ensuing Election of a Lord Mayor.

His Usurpation on the Election of Sheriffs.

You remembered me (with a becoming Detestation of the Fact) of Sir *John Moore's* notorious and impudent Usurpation upon your Antient and Undoubted Rights, in ravishing from the City the Right of Electing Sheriffs: this you aggravated, by noting that you were, with the dread of Pikes and Musquets, debar'd and kept from your Right of Election; and that Sir *John Moore*, Sir *William Prichard*, Sir *James Smith*, with others of their Party, by their Warrant, brought a Body of Soldiers into the Hall, and commanded Lieutenant Colonel *Quincy*, who led them, to Affront, Assault, and Thrust, not only Commoners, but even Six of your Aldermen out of the Hall; who (as you nam'd them) I remember were, Sir *Robert Clayton*, Sir *John Lawrence*, Sir *Patient Ward*, Sir *Thomas Gold*, Sir *John Shorter*, and Mr. *Cornish*.

Who pack'd Juries to destroy Men.

You went on, minding me how shamefully the Sheriffs, *North* and *Rich*, whom Sir *John Moore* in an Arbitrary and Hostile manner had impos'd upon the City, pack'd Juries to destroy Men; and in particular the great and invaluable Lord *Rusfel*, the loss of whom you said could never be sufficiently lamented.

You also observ'd, that from that fatal Day of Sir *John Moore's* taking the Chair, we were to date all the Calamities which beset the City, and Kingdom also, to the Day of the late King's Abdication.

And amongst many others, you reckon'd,

What were the Calamities that attended Sir John Moore's Election.

1. The Dissolution of the Antient and Well-establish'd Government of the City, by the bringing the *Quo Warranto* against your Charter.

2. The making it a Riot in the Livery-men to appear at *Guild-hall* to Elect Sheriffs; and then packing a Jury of implacable and imbitter'd Tories, who were themselves the only true Rioters, to find Mr. *Pilkington* and Mr. *Shute* (then Sheriffs) Sir *Thomas Player* (your Chamberlain) Mr. *Betbel*, Mr. *Cornish*, Mr. *Deagle*, and many other eminent Citizens, guilty of a Riot, in asserting their Right to chuse Sheriffs; and also the imprisoning the Sheriffs in the Tower for no other Crime.

3. The transcendent Exorbitancy of the wicked Juries then return'd; many Instances whereof you laid before me, and remembered me that (besides the Murders which they committed) their unrighteous Verdicts drove Sir *Patient Ward*,

Mr.

Mr. Papillon, and many other Persons of great Desert, into Exile. You further added, that their mad Zeal for the Interest of their darling Popish Successor, spared no Rank nor Order of Men; instancing their giving up that Reverend and highly deserving Divine, Mr. Johnson, to be ignominiously and barbarously whip'd for his honest and seasonable Opposition to the Popish Designs then on foot; their finding that grave and pious Divine Mr. Baxter, guilty of a High Misdemeanour (as they call'd it) for no other Offence, than writing against the Pope and his Bishops, which by an accursed Innuendo, they made to intend the Bishops of the Church of England. You moreover observ'd, how that they, upon every Occasion where it was demanded, very prodigally gave 100000 l. Damages against private Persons; insomuch that Sir Thomas Pilkington, Mr. Colt, Dr. Oates, Mr. Covert, and Mr. Culliford were made Debtors to the Duke of York, and his Prisoners in Execution, for 500000 l. for only asserting and averring, that the Duke was designing to subject us to Popery and Slavery, or for Discourses to that effect.

4. You did not forget to express your Detestation of the malicious Prosecution, and heavy Oppression of Sir Samuel Barnardiston, and Mr. Wilmer, the Foremen of the two Grand Juries, which (as you well observ'd) for a time, and till Sir John Moore was most unhappily advanc'd to the Chair, stem'd the villanous and bloody Designs of those who were about to kidnap the good People of these three glorious Kingdoms to Rome; and that by retyring Ignoramus upon the Indictments against the Earl of Shaftsbury and Mr. Colledge: a Verdict which you said none but Men forsaken of common Sense and Honesty did complain of.

These, Sir, with abundance of other foul Facts which have slip'd my Memory, you plac'd to Sir John Moore's Account, and did with no small regret acknowledge, that by him the Banks of our Security were broken down, and that you with a sad Heart beheld the Torrent of Popery and Arbitrary Power carrying all before it. By whom the Banks of Security were broken down.

Now as I am assur'd (my good Friend) that you will agree that I do not misremember your Discourse on that sad Occasion of Alderman Cornish's Murder; so I doubt not but you will bear with me in dealing with you, in relation to your next Election of a Lord Mayor, with that wonted freedom and plainness wherewith you and I have long convers'd.

I must tell you, I plainly see that those Men who carry'd us to the very brink of Destruction, are not only remorseless, but make it their business to act the same thing over again: How else comes it to pass, that they lately assum'd the Confidence to struggle to make one of themselves Alderman in Aldersgate Ward? How else happens it, that they are now exerting themselves with more than ordinary Industry to bring Sir Jonathan Raymond, or Sir Peter Daniel to the Chair? Those Persons strive to act the same now.

It highly concerns you, Sir, I must tell you, to be watchful against the Men, who encourag'd and triumph'd in the Murders of late committed amongst you; and who to this hour go on to palliate and excuse, if not to justify them: Against the Men who overturn'd the Foundations of your Government; against the Men who were fond of Vassalage and Slavery to that degree, that they made Addresses of Thanks to King Charles the Second, for breaking two Parliaments in the compass of three Months, and promised him to venture their Lives and Fortunes to maintain the Violation of the Constitution of the English Government: Against the Men who cry'd up a Popish Successor as the only means to preserve the Church of England. London ought to be watchful against late Murderers.

Now had I the honour of a Vote amongst you, fall as it would, I should be careful neither to place it upon any of these Men, nor where they place theirs, but going against them, should certainly conclude my self to be in the right; I must surely vote for Men of undoubted Loyalty to the present Government, and who gave demonstration thereof by a constant adherence to the Principles upon which it is founded, and by opposition to those wicked Designs upon our Religion, Laws, and Liberties, from which his most Gracious Majesty came most generously and seasonably to save us. But to hold you no longer in Generals, I shall proceed to discourse you a little particularly about your ensuing Election, and shall observe this method in doing it. To vote right is to vote against such.

1. I shall with an impartial regard to Truth, speak a few words of Sir Jonathan Raymond and Sir Peter Daniel, who are recommended to your Choice.
2. I shall observe who they are that stickle for their Election. And,
3. I shall consider the plausible Pretence, which by your Letter you tell me, is made use of on their behalf, viz. Their being next the Chair.

Sir J. Raymond re-
joic'd at
the Lord
Russel's
Murder.

1. To begin with Sir Jonathan (if that may recommend him to your Choice) I am at a certainty, that upon the day when my Lord Russel was tryed, and after the murdering Jury had brought him in Guilty, he came to the King's Head Tavern in Leadenball-street, and there rejoic'd that his Lordship was convicted, and highly commended the Jury-men that found him Guilty, and in his great Wisdom declar'd them to be very honest Men.

2. The then Lord Mayor (Sir Patient Ward) the Aldermen and Common Council of the City, having (after the astonishing Dissolution of the Oxford Parliament) on the 13th of May 1681. drawn up a Petition and Address to the King, setting forth the imminent Danger of Popery, and its Incouragement from the hopes of a Popish Successor, and praying that the King would call a Parliament to provide against the Mischiefs threatening the City and Kingdom: This Petition was carried to Windsor by my Lord Mayor, Sir Robert Clayton, and Sir George Treby the Recorder. But they were disgracefully rejected, and deny'd Access to the King; when at the same time Sir William Turner and Sir John Moore, who carry'd a Tory Address, thanking the King for his Declaration (lately emitted to disgrace and vilify the two last Parliaments) and promising to stand by him in the Violation of the Laws, with their Lives and Fortunes, were receiv'd and highly caressed.

Address'd
to the King in
opposition
to the City
Petition.

The Petition of the Lord Mayor, Aldermen, and Common Council, being afterwards on the next Council-day, May 19. carry'd to Hampton-Court, and there presented; Sir Jon. Raymond, with Sir W. Prichard, Sir Geo. Jefferies, and others of the Commissioners of the Lieutenancy, came in Person, and in opposition to the City Petition, presented one setting forth, That they were infinitely satisfy'd with the King's Declaration [which in truth was a Libel upon the two last Parliaments] and that they were unanimously resolv'd to venture their Lives and Fortunes for him in opposition to, and defiance of all Enemies and Opposers of what Set or sort soever. [Now these Gentlemen appearing in direct opposition to, and defiance of the City Petition, I leave it to the World to judg who are the Enemies and Opposers, to whom they here bid defiance; and whether this very Petition which assur'd the King of the Sword of the City, was not an Invitation to the bringing the fatal Quo Warranto against the City Charter?]

How he
procured
Tory Com-
mon-Coun-
cillmen
in Bishop-
gate Ward.

3. 'Tis notoriously known what Endeavours were us'd in the Mayoralty of Sir William Prichard, to have Tories only in the Government of the City; and it being found that in Bishopsgate Ward, the Inhabitants had better Sense than to chuse Common-Council Men of their stamp, it was projected to divide the Ward, and to have only four of the fourteen Common-Council Men which that Ward sends, chosen without, and the rest within the Gate, where they knew that excluding the Inhabitants without the Gate, they had a Strength to carry it to their Minds; and in particular to bring in that splenetick bloody Tory Langham, one of Alderman Cornish's Jury, and Sir Jonathan Raymond's Deputy and Director. For the accomplishing this Design, Sir Jonathan being Alderman of that Ward, refus'd to go to an Election upon St. Thomas's Day, according to the Usage of the City, but adjourn'd the Ward-Mote for several days, and so kept that Ward without Representatives in the Common-Council, till an Act of Common-Council was pass'd to divide the Ward.

Was for the
surrender of
the City
Charter.

4. Sir Jonathan Raymond was for the Surrender of the Charter; and was found, according to the best of his Capacity and Understanding, to be an officious Witness against the Sheriffs and other Citizens who were indicted for the Riot which Sir John Moore made at the Election of Sheriffs in 1682. Whether he swore Truth or not, is best known to Sir Robert Clayton, whose Evidence he contradicted.

Had a Ja-
cobite
Chaplain.

5. He being at Tunbridg this time twelve Month, his Chaplain was put up to preach before the Nobility and Gentry there, who omitting to pray for King William and Queen Mary, and not so much as mentioning King and Queen; a Person in great Authority reprimanded Sir Jonathan for it; and I am assur'd that he tamely answer'd, he could not help it, his Wife said he was a good Man.

His Son
pays double
Taxes.

6. His Son Sir Femmet Raymond keeps one Hart for his Chaplain in Barkshire, who is a Non-swearing Parson, and abdicated a Living at or near Taunton-Dean. This famous Sir Femmet is also so squeamish conscienc'd, that he pays double to the Poll-Bill rather than come in, according to the direction of the Act, and take the Oath of Fidelity to their Majesties.

Sir Peter Daniel, as 'tis well known, was a pragmatical Spy upon the Court of Aldermen and the City in the late Reigns, when the Court was carrying on the pernicious Designs, whereof you have since felt the sad Effects; and he, with that doughty Knight Sir William Dodson, were the constant Tell-Tales and Intel-
ligencers to that famous Plot-Secretary Sir Leoline Jenkins.

Sir Pet. Daniel a Spy in the late Reigns.

2. King Charles the Second having, by the Aid of a pack of perjur'd Citizens, overturn'd the antient Government of the City, who but our Sir Peter must (as a well approv'd Instrument for carrying on the Tyrannical Designs of that Day) be the first Sheriff of the King's Appointment? and so he was under a Commission to execute the Office during Pleasure, having just before, when Sheriff of Surry, approv'd himself a fit State-Tool, in packing a Jury which gave the 800 l. Damages to Bolsworth against Alderman Pilkington.

The first Sheriff made by K. Charles.

3. This our Sir Peter being one of the Governors of St. Thomas's Hospital in Southwark (together with others) promoted and presented an Address to the late King James, declaring for Liberty of Conscience to those of that King's Persuasion, without regard to any others.

For Liberty of Conscience to Papists.

4. He was one of the Sheriffs which pack'd the Jury for the Murder of Colonel Sidney: He was for the Surrender of the City-Chartes. He being a Member of King James's Parliament, voted the Militia useles, and to keep up a Standing Army under the Command of Popish Officers. Lastly, Being a sneaking Prostitute to King James, he promis'd him to comply in taking off the Testes and Penal Laws.

Pack'd Col. Sidney's Jury.

Sir, having thus hinted what sort of Men you are invited to elect, I proceed to tell you who are the Sticklers that recommend them to you.

Who the Sticklers for their Eloquium.

You will not fail of a Rawlinson, a Langham, a Bedingsfield, a Foster, a Midgley, a Gilburn, a Wisbers, a Floyer, a Feltham, a Coles, a Genew, a Kemp, a Carpenter, an Ainge, a murdering Jury-man, a Charter-betrayer in every Ward to promote this necessary Work.

You will find a lying Doctor about Aldgate, running up and down, under pretence of a Circular Letter, and crying out, *The Church, the Church; O the Church is betray'd into the hands of false Loons!*

But above, and which is more than all, you will have trusty Roger, with his Disciples, engaging might and main in this great Point, especially for good Sir Peter; for he was not a little proud of him, when he was made Hangman to King Charles: for proof whereof I must intreat you to turn to two Observators, the first of May 20. 1682. Numb. 140. which in the Name of the Tories speaks thus: *If it should please God to send us Seasonable Sheriffs, and fair play for our Mony, there are set afoot so many Titles in competition for the Gallows, that it would be a hard matter to settle their Claims, and say who should go first.* Now what sort of Men in his Opinion would make these seasonable Sheriffs, you will find in his Observator of May 27. 1684. where, speaking of the poor distressed Whigs, he saith, *Prethee, wilt thou set their Cornish and Bethel, their Pilkington and Shute against our North and Rich, our Daniel and Dashwood?*—You here see, my Friend, this great Man's Opinion of Sir Peter Tell-tale, and in what Interest he was; 'tis Le-Strange's North and Rich, Le-Strange's Daniel and Dashwood, these were his Seasonable Sheriffs to hang Protestants; and you Citizens must at your Peril, vote to the pleasing this testy Gentleman, lest he at one time or other bring Vengeance upon your Pates; for he told you in his Book call'd *Le-Strange's Apology*, p. 48. *That a Citizen's Scull is but a thing to try the Temper of a Soldier's Sword upon.*

I come now to the great Point, *They are next the Chair, 'tis their Right: What! deny Succession in the Right Line; No, no, it may not be.*

To this I say, this Argument can weigh only with the Advocates for a Popish Successor; we well know how often, and how justifiably the direct Succession, even of the Crown, has been pass'd over without regard: But to keep within the City, I shall give you a modern Instance or two, wherein these very Men I am talking of, have pass'd over the Alderman next the Chair. In the Year 1670, Sir Richard Ford was next the Chair, and according to the present Pretence, ought to have taken it; but the City then pitch'd upon Sir Samuel Starling, a junior Alderman, and he was elected Mayor. And to come nearer home to these Men, who now stickle for this Succession; was not Sir Peter Daniel as near the Chair this time twelve Month as he now is? Yes, he was, and Sir Samuel Dashwood was junior Alderman to him; nevertheless without regard to it, they then put up and voted for Sir Samuel, and yet you are now called upon to vote for Sir Peter because he is next the Chair, tho

The next to the Chair, has often been put by.

the Charters of the City give you an undoubted Right and full Power to chuse those into the Chair whom you think fittest for the Office.

*Elections
are not now
overaw'd
by the
Court.*

Now (*my good Friend*) to draw to the Conclusion of a much longer Letter than I intended you : Let me tell you, these things, which you and I formerly discoursed, and which I have now brought to your remembrance, ought to keep Men from running upon the same Shelves and Sands, where formerly they were in danger to have perish'd ; 'tis therefore to be hop'd, that you and your fellow-Citizens will now exert your selves in this Election, as becomes Loyal Subjects and True Englishmen. Blessed be God, you have not now the Power of *Whitehall* against you ; there's now no Secretary *Jenkins* to tamper in your Elections : You will not now be withstood and awed in *Guildhall* by any Military Power : There's now no Thunderbolts of Excommunication from *Dottors-Commons* ; no *Sir Thomas Pinfold* ; no Writs *de Excommunicato capiendo*, to strike a Terror into Dissenters themselves : I will therefore hope that Noise and Impudence shall not now run down Truth and Loyalty. 'Twas reported of *Sir John Moore* before his Election, that he should declare that he would be neither *Clayton* nor *Ward* ; and whether he said so or not, most sure I am that he verif'd the Saying : and should you be so stupid in the City at this day, as to place *Sir Jonathan Raymond* in the Chair, I will foretel that he will be *Langham*, and not *Pilkington* or *Stamp*. 'Twas well known that *Sir Thomas Pilkington* was found to be a worthy and well-deserving Magistrate, and that *Sir Thomas Stamp* is most deservedly intitled to the same Character ; but he is to leave his Work to the Man that shall be after him, and who knows whether he shall be a wise Man or a Fool ?

We are made happy in the present Reign by an Act of Parliament, which hath declar'd, That it is inconsistent with the safety and welfare of this Protestant Kingdom to be govern'd by a Popish Prince, or by any King or Queen marrying a Papist : And it is there enacted, That every such Person shall be excluded, and be for ever incapable to inherit the Crown.

*Inconsistent
with the
safety of
London to
be govern'd
by a Jacobite.*

And is it not as inconsistent with the Safety and Welfare of your Loyal Protestant City, to be govern'd by a Jacobite, or by one whose Wife is such ? Let then your Vote be, to exclude every such Person ; and may he be deem'd incapable of the Chair, how near soever he stands to it. I remember it was the Advice of *Sir R. L'Estrange* about ten Years since, to his admiring Herd of Tories, not to lay out a Penny with the Whigs : I shall not go about to persuade the Loyal Party to turn this upon that blind senseless Crew. I see no great harm in buying a pair of Gloves of a Tory, no nor in drinking a Glas of Wine in a Tory Tavern : but I affirm, that it is of the highest import, that you vote not with those disloyal Men ; your Lives, Liberties and Estates, and, which is more, your Religion, and the very Being and Support of the present Government, is here concern'd. And who knows what dismal Consequences it may bring with it, to lodg the great Trust we are talking of in any one, merely because he is next the Chair, without considering whether he deserves it or not ? *The Magistracy of London will be sure to fall into good Hands, when every Man shall give his Vote for him he judges best and fittest for the Place.* I therefore intreat you upon this Occasion to consider,

*Who fittest
to be cho-
sen at this
time.*

1. Which of the Candidates has given earlier, larger, and opener Proofs of his Zeal to the Government now, and to the Privileges of the City when they were invaded, and at last overturn'd some Years ago.

2. Consider their Wisdom and Ability for so great a Trust, their Zeal for their Country shew'd upon all Occasions, and their firmness to the present Frame of Government settled in *England*.

3. Consider which of the two is most in favour with those that are dissatisfy'd with the Government, and to which of them it is they give their Votes, and let these Gentlemens Votes determine yours : Our Male-contentments will not give their Votes to him they take for the greatest Friend of the two, to a Government they hate. That must certainly be the safest Side in this juncture of Time, where most of the Friends to the present Settlement rank themselves ; and of all People in the World, I should be least inclinable to follow their Opinion in the choice of a Magistrate, that in their Hearts are Enemies to them that fill the Throne.

Now to conclude, I know (*my dear Friend*) that your Temper and Moderation will incline you to censure me, for the seeming Harshness wherewith I have now and then express'd my self in this Letter, and for the frequent using the Name of *Tory* ; and I am conscious that Names of Discrimination and Reproach are offensive to the Ears of good Men : but the Men I have been talking of, gloried in cal-

ling

ling themselves *Tories*, and under that Name they acted all their Villanies I have recounted to you, and therefore they ought to have it. However, would they satisfy the World of their Ingenuity and Repentance, their Crimes ought to be put into utter Oblivion; but seeing they are attempting to play their old Game over again, and do still remain impenitent, they are to be lash'd, and are like to be told their own, whenever they give provocation to it, how unkindly soever they take it.

I am (*dear Sir*) your Affectionate Servant,

Sept. 17. 92.

W. N.

The Citizen's Answer.

My dear Friend,

I Thank you most heartily for your seasonable Advice in your Letter of the 17th Instant; and being constantly taken up in attending the Business of the Election of a Lord Mayor now at hand, I have only time to acknowledg that you have truly remembered the Discourse that pass'd between us upon the Day when Alderman Cornish was barbarously Murder'd; and I assure you that I shall not only with my utmost Industry atone for my Error in Voting for Sir John Moore, but shall keep your Letter by me, as I hope every good Citizen will (to which end I put it forth in print) till a better History of the villanous Practices which you have recounted, doth appear in the World; or till the Repentance of the Criminals shall give occasion to burn it, and to put their foul Facts into utter Oblivion. You shall have an early Account of our Success, from

Sept. 22. 92.

Your obliged Servant,

T. F.

Printed in
1692.

A true Account of the Author of a Book

Intituled ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ, Or,

The Portraiture of his Sacred Majesty in his Solitudes and Sufferings. With an Answer to all Objections made by Dr. Hollingsworth and others, in Defence of the said Book.

Veritas est Filia Temporis, & Magna est, & prævalebit.

Some Men have turned aside to vain Tanglings, understanding neither what they say, nor whereof they affirm.

The Introduction.

Dr. H's dealing unfairly with the Author, the occasion of Writing this.

IF Dr. H. had been pleas'd to consult me by Word or Letter, before he had so falsely accus'd me of telling a false Story (which, if I may not say, might have been expected in Justice, or at least in common Civility, yet I will say) he had not only been kinder to me, in saving me this unexpected and unwelcome Labour; but juster to himself, in not answering a Matter before he heard it, and by preventing the appearance of making more haste than good speed, by a seeming impatience, to be deliver'd of a false Conception.

And tho by his reproachful Charge he hath given me sufficient Provocation, and by his hasty writing without due Information, no less Advantage, to reply in such a stile as he hath chosen to begin in; yet in this Vindication, to which he hath constrain'd me by an unavoidable necessity (unless he expects that as a *Felo de se*, I should by silence give consent to his unjust Calumnies) I shall keep that modest Temper which becomes one, who designs no personal Quarrel, nor writes for Victory, but Truth, the search and discovery of which needs no Tricks, no little Arts, or big Words, but is best attained by sedate proceeding, and plain and open dealing.

The Author writes for Truth; the Method he will pursue therein.

And to evidence my Resolution to keep strictly to this Method, I shall subjoin these Particulars by way of Introduction.

First, That I will not meddle with any thing but what concerns my own just Vindication, my Inclination not allowing me to do more; for I should greatly rejoice to find the Title of the Doctor's Book made good, as near as is possible, worthy of that Excellent King of happy Memory; whose Honour, I believe, is better secur'd by the Reputation of his acknowledg'd Wisdom, Celebrated Virtues, Exemplary Patience, and Christian Magnanimity in his Sufferings, than by such Defenders; and either needs none, or deserves one more considerate and better inform'd, who might avoid such Mistakes as I meet with, in that part of the Postscript wherein I am attack'd: for one remarkable Flaw mars the Beauty of a whole Piece; and palpable Errors cause all the Truths with which they are mixt, to be doubted of, and call'd in question; and Defences so manag'd, overthrow their own Design and End, and usually do more harm than good.

Secondly, I solemnly appeal to the Searcher of Hearts, Avenger of Falshood, and Revealer of Secrets, that I will write nothing of the Truth of which I am not thoroughly perswaded, and by as full Evidence as I judge such a Matter of Fact needs, and at such a distance of time is capable of.

Thirdly,

Thirdly, I will with undisguis'd openness, produce the Means by which I know what I profess the knowledg of, and the Reasons upon which I believe what I profess the belief of, and the probable Arguments upon which my Opinion is ground'd, as to those Particulars concerning which I pretend no more than thinking them to be as I declare them.

And having with Honesty and Candour laid down such Means of my Knowledg, such Reasons of my Belief, such probable Arguments for what I think; I shall willingly submit them to the Judgment of every indifferent Reader: And if they be not cogent and convincing to bring him to be of my mind, let him retain his former Sentiments; but withal I beg his leave, that without his Censure or Displeasure, I may retain mine, till Means of Knowledg, Reasons of Belief, Arguments for thinking otherwise be produc'd, which in an even Ballance may outweigh mine.

And when I meet with such, I promise to yield without Contumacy, or expecting Miracles for my Conviction: for tho' I cannot allow every random Story, and ill-grounded Conjecture, for good Evidence, nor dare follow an *Ignis fatuus*, or esteem a *Will-in-the-Wisp* to be a safe Guide; yet will I not rebel against the Light, when as clear as the Sun at Noon-day, to which, tho' Dr. H. hath been pleas'd to compare his Arguments, I doubt not, when I come to examine them, to make it appear, it had been an extravagant Hyperbole, to have liken'd them to the faintest Moon-shine.

SECT. I.

THE Question in debate being concerning the Author of that famous Book, Who the intitled *Εἰκὼν Βασιλική*, or the Portraiture of his Sacred Majesty in his Solitudes and Sufferings, whether it were written by that Royal Martyr, or some other hand? And an Opinion being rais'd, that Dr. Gauden wrote it (which spread and prevail'd much upon a Memorandum of the Earl of Anglesey's coming to light, which his Lordship had writ in a blank Leaf before the said Book) and (by reason of the Relation I am known to have had to him) I having been often ask'd what I knew or thought of that Report, having declar'd the Substance of what I am now forc'd to publish more fully: And this being the suppos'd Crime for which Dr. H. hath handled me so roughly, as to accuse me to have assist'd an Objection against the King's being the Composer of it, to the utmost of my Power with a false Story: In order to wipe off so rash, not to say so rude an Accusation, I shall with all possible clearness proceed by these five Steps.

First, I will declare what I know of this Book, and by what means, and what I believe of it, and for what Reasons.

Secondly, I will produce such probable Arguments, as confirm my self, and may satisfy others, that I am not mistak'n nor deceiv'd, nor would deceive others.

Thirdly, I will distinctly consider, and fully answer all that Dr. H. hath produc'd to the contrary.

Fourthly, I will give satisfactory Answers to the Objections I meet with from an abler Pen.

Lastly, I will declare why I have acknowledg'd such my Knowledg and belief, when requested, and set down my Reasons for so doing; 1. Negative.

2. Positive.

And by these Steps, I hope, I shall free my Reputation from that odious Reproach, of being guilty of assisting an Objection by a false Story; at least I shall free my self from confirming, by my silence, what I judg to be an Error.

SECT. II.

I Know, and believe, the Book, whose Author is enquired after, was written by Dr. Gauden (except two Chapters writ by Bishop Duppa) so far as the subjoin'd means may produce such Knowledg, and the Reasons may induce such Belief.

First, Dr. Gauden, some time before the whole was finish'd, was pleas'd to acquaint me with his Design, and shew'd me the Heads of divers Chapters, and some of the Discourses written of them; and after some time spent in perusal, he vouchsaf'd to ask my Opinion concerning it: and after some Consideration, according to the freedom he gave me to speak my Thoughts, I told him, I suppos'd

The Author of it was Dr. Gauden, prov'd. From Dr. Gauden's owning his Design of writing it.

it would be much for his Reputation, Honour and Safety: But I expressly added, I stuck at the Lawfulness of it, and modestly ask'd him, how he satisfy'd himself so to impose upon the World? To which he so readily reply'd, that I concluded he had thought on it before, Look on the Title, 'tis the Portraiture, &c. and no Man draws his own Picture: which satisfy'd himself; and tho we might argue it a little, did at present silence me, my Heart being so inclinable to what was the Scope of the Whole. And I perfectly remember, that in the second Chapter, which is of the Death of the Earl of *Strafford*, there being these Words, which now in the printed Book of the first Edition, are page 8. l. 18, 19, 20. *He only hath been least vext by them, who counselled me, not to consent against the Vote of my own Conscience:* He told me whom he meant by that Passage, viz. the then Bishop of *London*, Dr. *Juxton*, which tho most Readers understand now, after it hath been so long spoken of, yet many then did not, of which number I was, my Age rendring me less acquainted with the Characters of Great Men.

Secondly, Some good time after what had passed, as is related in the preceding Paragraph, we being both in *London*, and having din'd together, Dr. *Gauden*, in the Afternoon, desir'd me to walk with him to a Friend. When we were gone part of the way, he told me he was going to the Bishop of *Salisbury*, Dr. *Duppa* (whom he had acquainted with his Design) to fetch what he had left with his Lordship to be perus'd, or to shew him what he had further written; and as we drew near his House, he desir'd me that after a little general Conversation I would withdraw and leave them two alone, which accordingly I did; and when they had been some considerable time together, he came forth, and we return'd. As soon as we were in the Street, he gave me this Account of their Conference.

What passed between Dr. Duppa and Dr. G. about it.

My Lord of *Salisbury* told me, there were two Subjects more, he wish'd I had thought on, and propounded them to me, viz. The Ordinance against the Common-Prayer Book; And the denying his Majesty the Attendance of his Chaplains (which are now the 16th, and 24th Chapters in the printed Book) and desir'd me to write two Chapters upon them, which I promis'd I would. But before we parted he recall'd that Request, and said, I pray go you on to finish what remains, and leave these two to me, I will prepare two Chapters upon 'em: Which accordingly he did, as Dr. *Gauden* own'd to me, and others whom he had made privy to the whole, and never pretended to have written these, as he did to have done all the rest.

Dr. Gauden knew not whether K. Ch. I. ever saw it.

Thirdly, Dr. *Gauden* some time after the King was murder'd, upon my asking him, whether He (the King) had ever seen the Book, gave me this Answer: I know it certainly no more than you, but I us'd my best Endeavours that he might, for I deliver'd a Copy of it to the Marquess of *Hertford*, when he went to the Treaty at the *Isle of Wight*, and intreated his Lordship, if he could obtain any private Opportunity, he would deliver it to his Majesty, and humbly desire to know his Majesty's Pleasure concerning it. But the Violence which threatened the King hastning so fast, he ventur'd to print it, and never knew what was the Issue of sending it. For when the thing was done, he judg'd it not prudent to make farther noise about it, by enquiry.

Or that K. Ch. II. knew he wrote it.

Fourthly, I once ask'd him (for we seldom were in private, but somewhat was discours'd of this Book even to the last time I saw him, after he was Lord Bishop of *Worcester* Elect) whether that King *Charles* the Second knew that he wrote it. He gave me this Answer, I cannot positively and certainly say he doth, because he was never pleas'd to take express notice of it to me. But I take it for granted he doth, for I am sure the Duke of *York* doth, for he hath spoken of it to me, and own'd it as a seasonable and acceptable Service; and he knowing it, I question not but the King also doth.

That the D. was the Author, current among his peculiar Friends.

Fifthly, Mrs. *Gauden* his Wife, Mr. *Gifford* (who transcrib'd a Copy of it, if I be not much mistaken, and which Copy I think was that sent to the *Isle of Wight*, tho in this I am not so positive) and my self believ'd it as much as we could believe any thing: and when we spake of it in his Presence, or in his Absence, did it without the least doubt of his having writ it; being as much assur'd of it, as 'twas possible we could be of any matter of fact. And 'tis unaccountably strange, that all we who had the best Reason, and fairest Opportunities to know the Truth, should all be deceiv'd or impos'd upon, which we were to the highest degree imaginable, if Dr. *Gauden* wrote it not.

Sixthly,

Sixthly, Dr. Gauden delivered to me with his own hand what was last sent up (after part was printed, or at least in Mr. Royston's hand to be printed) and after he had shew'd it me, and seal'd it up, gave me strict Caution, with what wariness to carry and deliver it; and according to his Direction, I deliver'd it, Saturday Decem. 23. 48. in the Evening to one Peacock (Brother to Dr. Gauden's Steward, or Bayliff, sometime before deceas'd) who was instructed by what Hands he should transmit it to Mr. Royston. And in the same Method a few Days after the Impression was finish'd, I receiv'd six Books by the Hand of Peacock, as an Acknowledgment of that little I had contributed to that Service, one of which I have still by me.

The D. deliver'd the Author the last of it to be carry'd to the Printer's.

SECT. III.

Containing such probable Arguments as confirm my self, and may help to convince others, that I am not deceiv'd, nor would deceive them by a false Story, in what I have declar'd in this matter.

First, **D**R. Gauden in the beginning of the long Parliament, which carry'd on the War against the King, preach'd before them, on Zech. 8. 19. last Words, *Love the Truth and Peace*; which Sermon was printed, and the House of Commons presented him with a large Silver Tankard with this Inscription, *Donum Honorarium Populi Anglicani in Parlamento Congregati, Johanni Gauden, &c.* which constantly went about his House. And he had been inclinable to the Parliament Interest, till he found they went beyond their first Pretensions, and the Expectations of himself and other good Men. But when he discover'd that, he endeavour'd to redeem his Error, τῇ ἀμετρίᾳ τῆς ἀπολογίης, by bending to the contrary extreme.

Probable Arguments to shew D. G. wrote it.

And I am persuaded it was this, which put him upon the designing and finishing of this Book.

Secondly, The second probable Argument may be drawn from the 14th Chapter, which is upon the Covenant. And I beg Pardon for relating this matter more minutely than may seem necessary; that it may appear how, and by whom I was furnish'd with it, to render it more cogent.

Drawn from the 14th Ch. of the Book.

After the Book was publish'd, being in Discourse with my worthy Tutor, Dr. J. Barwick, who died Dean of St. Pauls, I being privy to the Truth of this Affair; out of Curiosity ask'd him, what he thought of this Book? He, so well knowing my Education and Principles, wonder'd to hear me ask such a Question. I beg'd his Pardon, and told him, the thing being doubtfully spoken of, I made bold with him to ask his Judgment. Well then, said he, I will prove it to you; and thus attempted it: It was writ by himself, or by some other Man; but it could be writ by no other, therefore by himself. I desir'd him to prove his second Proposition, which he did thus: If by another, it must be an Enemy, or a Friend; but neither Enemy nor Friend could do it, therefore it must be himself.

I once more desir'd him to prove his second Proposition, which he attempted thus: Not by an Enemy, for no Enemy of the King would represent him so much to his Advantage; not by a Friend, for no Friend of the King's would write as he doth of the Covenant.

Now, how easily could I have reply'd, tho at present I acquiesc'd, That Dr. Gauden, tho now a most hearty Friend to the King, had himself taken the Covenant, which we may rationally conclude had induc'd him to write more favorably of it, than any of the King's Party or Friends, or the King himself would ever have done?

A Third probable Argument may be drawn from Chap. 16. and 24. which, as I shew'd before (Sect. 2d) Dr. Gauden told me, were written by Bishop Duppa; for the Ordinance against the Common-Prayer, and denying his Majesty the Attendance of his Chaplains, were Subjects, which Dr. Gauden was less concern'd to think on: for 'tis well known, he had forborn the Use of the Common-Prayer (tho 'twas continu'd longer in his Church than in any thereof) and had never been the King's Chaplain; but Bishop Duppa having been the Prince's Tutor, a long time Chaplain, and a Bishop, was as mindful of these Particulars, and as much concern'd to be so, and with as great reason as any Man living could be, and therefore first desir'd Dr. Gauden to write on these Subjects, but after recall'd that Motion, and undertook to do it himself, which he also perform'd, as I shew'd before; and

From the 16th and 24th Chap. wrote by D. Duppa.

and his free declaring, that he had neither thought of these Subjects, nor wrote of them, which it was so unlikely he should, renders it very probable he spake Truth, in declaring that he wrote the rest.

From Expressions in the Devotional part peculiar to the Doctor. 4. I meet with Expressions in the Devotional part, very frequently us'd by Dr. Gauden in his Prayers (for he us'd conceiv'd Prayer both in his Family, and in Publick) which I never heard from any other Man: and 'tis very easy to observe, that most Men, even in ordinary Conversation, and more especially in their Prayers, tho they vary in their Method, have peculiar Phrases, and Modes of expressing themselves; and where we find such occur, 'tis a probable Evidence, they proceed from him, to whom they were peculiar.

From the Doctor's making an Extract of the same. 5. I am as sure, as I can be of any thing, that Dr. Gauden made the Extract out of this Book call'd, I think, *Apophthegmata Caroliniana*. I am sorry I have not one by me, to give a fuller account of it. But the thing is most notorious, that there was such a Book came out, in a very short time after, printed by Mr. Dugard. Now why should Dr. Gauden concern himself so much more than any other of the King's Friends, and dispatch it with such Expedition, had he had no more Concern in it than other Men, and had not been inabl'd to finish it so speedily, and could with such Readiness take it in pieces, and digest it into wise and weighty Sentences, who had put it together, and whose Thoughts had dwelt so long, and much upon it? I cannot forbear to judg, that to those who will consider it impartially, it carries the fairest and highest Probability to confirm, what is before declar'd, the reasonable belief of his being the Composer of it; how much more, when all the five are join'd together?

S E C T. III.

Containing a full Answer to what Dr. Hollingsworth hath written in his P.sc. concerning this Book.

ALTHO the modest and faithful account I have given in the former Sections, of what I know and believe of this Book, and the Means of such my Knowledge, and Reasons of such my Belief, contains a sufficient Answer to whatever I meet with in this P—script, and might supercede my farther Labour; yet, that the Reverend Dr. may not think himself neglected, or the Reader, who it may be will not take the Pains to compare them, may have no Cause to suspect (I wave a distinct Reply, because I find the Task too difficult) and lastly, because this P—sc. gave the sole occasion, and whole Provocation to my writing upon this Subject: I will now distinctly consider every particular of the P—sc. which concerns this Matter, and either by referring to what is said before (to prevent writing the same thing over and over) or by subjoining a farther clear Answer, reply to the whole; for the necessary Vindication of the Truth, and my injur'd self.

And that what the Dr. writes may have its full Strength, and he have no pretence to complain any thing is omitted, I will transcribe *Verbatim* all his Words, and subjoin full Answers, adapted to every Paragraph in that part of his P—script, which relates to the Question in debate.

The first Passage begins thus, Page 37. Line 13.

' The last Objection against him, is his Divine and Holy Book. It is not to be imagin'd with what Industry, they have within this last year endeavour'd to persuade the World it was a Forgery, and not of his compiling: And there is a certain Essex Doctor of Divinity, who hath assisted this Objection to the utmost of his Power, with a false Story; which I will presently refute, and set the Whole in a true and proper Light.

The Essex Doctor's Reply to the Aldgate Doctor, who begins thus: *The last Objection against him, &c.*

' He could scarce have express'd himself more improperly, if he had studied to do it; We may guess at his meaning, by what follows; but, who ever made this Divine and Holy Book an Objection against him, but rather accounted it his great Honour? And from a Man, who writes for Crowned Heads, more accuracy and caution might be expected; and this stumble at the Threshold, is no auspicious or lucky Omen, but rather an earnest and tast of what we are to look for in the Sequel. But these are so small Faults in comparison of what follows, they are not worth taking notice of, let them have their pardon of course.

‘ I shall wink at such for the future, that I may not seem to trifle, but keep to what is material, insist on Things, and not on Words.

But I proceed in my Reply. Who they be I cannot imagine, the greatness of whose Industry cannot be imagin’d to persuade the World ’tis a Forgery. But e’en let them shift for themselves: but if they have half so much to say for themselves, as the *Essex* Doctor hath produc’d in the first Section, to prove that Doctor *Gauden* wrote it; I see not but they may stand trial with a better Opposer, tho’ ’tis harder to meet with a bolder Accuser, whose Affirmations are so strong, and whose Confirmations are so weak: for my assisting it with a false Story is soon said, but not so soon prov’d. You now have the Story of my own telling, convince me of Falshood if you can; do your best or your worst, provided you write in sincerity, producing nothing but what you have as good means to be assur’d of as I produce for what I know, and as good Reasons for your Belief as I produce for mine. For *Huffing* and *Hectoring* will weigh little with wise Men; and good Nature, and good Manners, may be overcome with too much ill usage, to cause you to be answer’d as you would not, if you accuse as you should not.

Affirming Dr. Gauden wrote it, no forgery.

But why did you not tell the Story before you refuted it, that it might be known whether it were truly that *Essex* Doctor’s Story (which you rashly call false) or a Dream of your own Imagination? You now have the Story of his own telling, and you may try your skill at refuting it when you please; and if you perform that Undertaking no better than you do the Promise, of setting the whole Matter in its true and proper light, I have not so much cause to fear your Confutation, as you have to fear the Wo denounced against those who put Darkness for Light, and Light for Darkness.

Dr. *Hollingsworth*’s Postscript. *Answ.* ‘ I could never obtain leave of my self to believe, that any Man could write at that Divine rate but he that felt the Miseries, that suggest such Thoughts and heavenly Meditations. The various Conditions of Men, good Men, wonderfully help them in their Retirements and Solitudes, to divine Intercourses and Aspirations; and he that could counterfeit such things, and make such Appeals to God, without being in such Conditions as these Appeals suppose, must be rather next to an Atheist, than a good Christian; and if the *Essex* Doctor had any value for the Memory of his deceased Friend, he would certainly have forbore telling it in all Places with a more than usual Confidence, as he hath done, and that for this one Reason.

The *Essex*’s Doctor’s Reply. All this Harangue is but a piece of borrow’d Ware, with which Sir *William Dugdale* furnisht him in a short Sentence, in these words: *The unlikelihood that any such Expressions could flow from an Heart not oppressed and grieved, with such a weight of Sorrow as his was.* Of which the Doctor has made none of the best Paraphrase to enlarge his Paper. But let us try the Force of it; I could never obtain leave of my self to believe, &c. as above. In good time, Sir: Must then all the World be tied to believe no more than Dr. *H.* will give their Majesty’s Chaplain at *Aldgate* leave to believe, be the Evidence of matter of Fact never so clear? I pray, Sir, who made your *Courtesy* or *Contumacy*, to give your self leave to believe or not believe, the Standard of all other mens Persuasion, or not being persuaded? I have heard much wiser Men (than I pretend to be) affirm, that believing or not believing, depends not upon our own Choice, but upon the clearness or cogency of the Motives of Credibility, or the weakness and insufficiency of them. But let that pass, for my business is not speculatively to dispute, but to prove a matter of Fact, and vindicate my self from the imputation of telling a false Story; yet because this Argument hath been often used, I will consider it a little further, to manifest how weak and unconcluding it is;

Who might write, tho he felt not the Calamities therein expressed.

Dr. H.’s Belief no measure to other Mens.

’Tis no new nor strange thing for one Man to personate another, and to write and speak as is futable to, and usual for Men in such Circumstances; and frequently when their Fancies are warm’d, the Copy out-does the Original: and he seems never to have read a Romance, the Poets, Scenical, or others, or the Greek and Roman Histories, who cannot give Instances of all the Passions raised, and Expressions futable put into the mouths of them, for whose use they were design’d, and utter’d with a warmer *Pathos*, than they would have been by the Persons themselves, personated by them.

Frequent in Prose.

But the proof of this is above all exception in Books of Devotion (and which comes nearer our Case) in which we find the greatest variety of *Prosopopæias*, in Meditations, Soliloquies, Prayers, Ejaculations, Praises, Aspirations, and other Addresses

And Divine Authors to personate others.

Addresſes to God, compos'd by the Authors of them, who cannot be ſuppos'd to be in all the Conditions themſelves, but to fit them for thoſe who may be in a condition, in which it will be proper for them to uſe them. The Reaſon is obvious, and eaſily accounted for. For tho I deny not that our Affections are kindled by our preſent Circumſtances, and ſurprizing Mercies or Calamities are Springs of ſuch Joy or Sorrow, as ſharpen and ſet an Edg upon our Expreſſions, and inſtil an Air, an Energy, and ſutable Eloquence into them; which the ſame Perſon could not reach at another time; yet 'tis alſo true, that they being ſudden and unſtudied, a kind of Raptures without deliberation, and leſs artificial, have a viſible Inequality in their Contexture, and riſe or fall according to the differing Preſſures or Inlargements under which Men are: St. Bernard's *Rara hora, Brevis mora*, looks this way. And an Obſervation I have heard, ſeems not deſpicable, viz. that he who prays always alike, may be ſuppos'd to pray rather by Art than by his Heart; the Habits of Art being much more ſteddy and permanent than the Temper and Diſpoſition of mens Hearts, which are very mutable and different, according to the Circumſtances from which they riſe.

One when
perſonating
another,
his ſutes
words,
&c. to his
Condition
he perſo-
nates.

But when a Man deſigns to perſonate another, he puts himſelf in ſuch an one's place, and writes and ſpeaks what he eſteems moſt fit and ſutable to a Perſon in ſuch a Condition, and adapts his Words and Expreſſions with ſecond and third Thoughts, takes a great deal of pains, uſes a ſtudious Induſtry to fit every Thought to ſuch a Condition, every Affection to ſuch a Thought, and every Expreſſion to be a lively Icon of ſuch a Paſſion or Affection. So that whatever you will give your ſelf leave to believe, it ſeems not a whit ſtrange to other Men it ſhould be ſo, as you cannot believe, nor in the leaſt diſſonant to right Reaſon and Experience, of which Inſtances might be given without number. I beg pardon for this Digreſſion, into which the Doctör led me by an ill-grounded Speculation, which makes little to his purpoſe, and I think hath done him little ſervice; yea, will rather cauſe conſiderate Readers to ſuſpect his want of better Arguments, *elſe he would not have had recourſe to ſuch thin and airy Speculations, which prove nothing but the weakneſs of their Judgments who put any ſtreſs upon them, and would by them impoſe upon other Men.* Yea, give me liberty to add, if the Doctör's Argument hath any weight, it ſeems to be in the wrong Scale, and makes that end of the Ballance to preponderate, which he endeavours to make appear the lighteſt; for the evenneſs of the Thought and Expreſſion, the equality of the Stile and Affection, and the ſame Thread running quite through from firſt to laſt, rather argues it an artificial Compoſure of one who had vacancy for ſedate and deliberate thinking, than of him, for whoſe Icon and Portraiture it was deſign'd, who was encompaſſed with ſo diſtracting an hurry of Miſeries, as muſt often change the temper of his Mind. But to compenſate for the weakneſs of the former part of this Paragraph, it hath a ſting in its Tail, concluding, 'That if Dr. Gauden wrote it, he is next to an Atheiſt, and that for that Reaſon the Eſſex Doctör, if he had any value for his Memory, would have forbore telling it in all places with more than uſual confidence, as he hath done; that is, leſt he repreſent him as an Atheiſt.'

Dr. Gauden no Atheiſt for writing the ſame.

Eſſex Doctör's Reply. To which I ſay in general: My Story repreſents him not ſo like an Atheiſt, as your raſhneſs repreſents you like a falſe Accuſer of both him and me; and for this Reaſon, If Dr. H. had any kindneſs to the Reputation of his Friend, their Majeſties Aldgate Chaplain, he would have conſider'd better, before he had publiſh'd, with ſomewhat more than Confidence, ſuch groundleſs Accuſations, and ſuch crude and ill-contriv'd Stories; and more particularly, why Dr. Gauden more an Atheiſt, for preparing theſe Diſcourſes for the King, to be own'd or laid aſide, as to his Majeſty's Wiſdom ſhould ſeem good, (ſee Reaſon 3. Sect. 1.) than thoſe who prepare Forms of Devotion for others to uſe, or let alone as they ſee occaſion? And tho my Story, as I tell it, vindicates him from that Imputation, and I am not bound to answer for what you forge to be my Story (being but your own Dream) *Quod male dum recitas deſinit eſſe meum*: I farther ſay, that according to the old Axiom, *Amicus Plato, Amicus Ariſtoteles, ſed magis Amica Veritas*; Tho Dr. Gauden were a Friend, and Biſhop Duppa a Friend, yet Truth is more a Friend; and I ſhould account him no honeſt Caſuiſt, who would adviſe me to tell a Lie to ſave my Friend's Credit, as your words imply you would have directed me, had I conſulted you in the Caſe.

Aldgate Doctor's Postscript. 'The Story in short that he (the E. Dr.) tells is this, That Dr. Gauden, then of Bockin in *Essex*, made this Book, and sent him, then his Curate, to the Press with it; which Command he obey'd, and accordingly did so carry it in order to its printing.

Essex Doctor's Reply. Good Sir, use fairer play, and be not so confident, who accuse that for excess of Confidence in me, which hath not the tenth degree of yours; and do not forge and mangle a Story, and then pin it upon me. My Story is honestly and sincerely told in the first Section, and thither I refer your self and the Reader for the Truth, and a fuller Answer to this lame Account, without staying upon some palpable Mistakes, because but circumstantial.

Aldgate Doctor's Postscript. Now the Truth of the Story is this, 'There was one Mr. Simmonds a learned and pious Minister, who liv'd near Dr. Gauden in *Essex*, and who out of a true Affection to his Majesty's Person and Cause, writ a learned Defence of the King; with which the King was so pleas'd, that he presently resolv'd, that this Person should have the perusal and correction of his Book, and accordingly sends it by a trusty Messenger.

Essex Doctor's Reply. There is scarce a Line, which is not liable to just Exceptions; but small Faults must be past over in one who writes so heedlessly, or we should never have done. But there is one so notorious, he must be blind who doth not see it; what then was he that made it? viz. that Dr. Hollingsworth, and their Majesties Chaplain at *Aldgate*, do flatly contradict each other. Dr. H's Story altogether false.

Here he saith, the King sent it by a trusty Messenger to Mr. Simmonds; but pag. 39. l. 19. that he desired Bishop Juxton to get some trusty Friend to look it over, and put it into exact order. *Non bene conveniunt; one of the two should have had a better Memory, or confer'd Notes, before they had publish'd things so inconsistent: such palpable difference of Witnesses, is a shrewd prejudice against their Testimony.*

Aldgate Doctor's Postscript. 'The Book, when look'd over by him, did so affect him (and no wonder) that he could not forbear sending for his Neighbour Gauden, in order to make him happy with himself in the sight and reading of such an inestimable Jewel: Dr. Gauden would not be denied the kindness of taking the Book home with him for a few days; which upon importunity Mr. Simmonds (knowing the Doctor at that time a well-wisher to the King) granted. Dr. Gauden presently falls to transcribing of it, and in some days, with great labour and application, finishes it, and so returns the Original to Mr. Simmonds again: within a while the great Storm coming upon the King, which at last God knows wholly overfet him, Dr. Gauden, out of a true Affection to his Master the King, hoping thereby to do him Service, sends this Copy by the hands of this Doctor to the Press: And so far and no farther was he concern'd in it.

Essex Doctor's Reply. Sir, what with your usual Confidence you introduce with, *The truth of the Story is thus*, is all mere Story, but not one word of Truth; nor hath it the least blush or appearance of Possibility, or so much as Probability, as I hope to convince your self.

First, Not probable; any Man who knows any thing of the Measures of Decency, and the Circumstances of the Persons of whom he writes (as he should be suppos'd to do, who presumes to dedicate his Writings to so wise a King and Queen) would have contriv'd his Story, and told his Tale more handsomely, and would rather have said that the Parson of Rayne, who was a very private Man, had waited upon Dr. Gauden, who liv'd at the rate of a Thousand a Year, and made the greatest Figure of any Clergy-man in *Essex*, or perhaps in *England* at that time; than boldly and bluntly to send for him, whatever the Occasion might be. But let that pass, a slip in good Manners is a small Fault, compared to the impossibility of his Story's being true: for tho Mr. Simmonds was once Minister of Rayne, and Dr. Gauden Dean of Bockin, which are neighbouring Towns, yet I question whether the Men were ever Neighbours, and whether Master Simmonds was not gone from Rayne before Dr. Gauden came to Bockin. But I need not urge that; for what I aver (and am as sure of as I can be of any Matter of Fact, which is most notorious) proves the Impossibility (I charge the Doctor's Story with) home and beyond contradiction: for before this Book was thought of, or many of the Subjects had happen'd of which it treats, Mr. Simmonds was sequestred for his Loyalty, fled into the King's Quarters, and one Mr. Atkins (a plunder'd Minister, as they then call'd them) who was fled into the Parliament's Quarters, was placed in his sequestred Living of Rayne: I came to Dr. Gauden's August 1644. and I never knew Mr. Simmonds all the while I liv'd there, tho I knew him well when the Book was printing.

printing, as I may touch in place convenient, and relate the occasion of our intercourse.

Somewhat runs in my Mind of his being with my Lord Capel, who was his Patron, and had given him the Parsonage of Rayne, who commanded about that time for the King in Shropshire; but what need I multiply Words about what I am not certain of, when I am as certain, as I can be of any thing, he was far from being Dr. Gauden's Neighbour, or any possibility of sending for him, how trimly soever, and with a good Grace, the Story is told, not much to the Credit of the Teller of it, or the Confirmation of the thing he tells it for? It so exposes it self, it needs no farther Confutation; and I will be so kind, as to slip an Advantage, of loading it with heavier Aggravations, tho so much provok'd. If any thing seem to deserve a farther Answer, I must request the Reader to call to mind, or read over again my first Section, where there is enough to satisfy him, for I never pretended to carry the whole to the Press, but, as is there honestly declar'd, a part of it. I proceed to the 2d Paragraph, p. the 38.

Aldgate Doctor's Postscript. And whereas 'tis said, ' That Dr. Gauden told King Charles II. he made the Book; the Truth of the Story is this, That he putting in for the Bishoprick of Worcester, and meeting with some opposition from Bishop Sheldon, the King ask'd him, what Pretences he had to so great a Favour: he answer'd, That he put out his Father's Book; which Answer, tho true in some sense, yet being ambiguously spoken, as it got him the Bishoprick, ' so it also gave rise to the late Earl of Anglesey's Memorandum, which hath made so great noise in the World.

That Dr. G. put in for the Bpck of Worcester, false.

Essex Doctor's Reply. Good Sir, if a Man should be so bold as to ask a few Questions, would you answer them as roundly as you would chouse the World with this Dream? 1. I pray Sir, did you hear all this? 2. Have you any Man of Truth or Modesty to produce as a Voucher? 3. In sober sadness, do you in cool blood believe it your self? 4. Or to speak home, will you confirm it by your solemn Oath, as the Essex Doctor is ready to do the Story with which he will confront it? The Truth of the Story is this; so you say, but pace vestra, by your good leave, I cannot obtain leave of my self to believe one Sentence in all your ten lines, and for a better reason than you give for your Incredulity, where you use that Phrase; and my reason (how silly and weak soever it may seem) in plain English is, because there is not one wise or true Word in all this (most falsely call'd) Truth of the Story.

And I even wonder, that Providence should furnish me with so exact a Knowledge of this Affair, which I thought of little use before, till it enabled me to confute this shameless Fiction; and I will for once be as confident as you, and say, the Truth of the Story is this, as I had it from Bishop Gauden's own Mouth, immediately upon his Nomination to be translated from Exeter to Worcester. But before I relate his Words to me on that occasion, let me make some few Remarks upon some Particulars. 1. Whereas 'tis said Dr. Gauden told King Charles II. &c. who ever said so, said what was not so. He never told him. See Sect. 1. Reason 4. 'Tis strange he should himself tell the King, and yet not know the King knew it,

Was put off with Worcester instead of Winchester.

*but by inference, because the Duke of York did. 2. He putting in for the Bishoprick of Worcester (let that uncouth Phrase pass.) But he did not put in for Worcester, but rather was put off with that instead of Winchester, pardon the Expression; what follows will justify it, at least excuse it. 3. The King ask'd him, &c. still worse and worse; the King ask'd him no such Question, nor was there the least shadow of occasion why he should, and the Bishop never answer'd, as is said he did; for no Question needed no Answer. 4. Ambiguously spoken; not spoken at all, therefore not spoken ambiguously: remember the Logick Rule, *Adest primi adjecti, adest secundi valet negatio.* As for instance, if a Man be not their Majesties Chaplain, he is not their Chaplain at Aldgate, unless it be help'd out with speaking ambiguously. 5. Help'd him to that Bishoprick (sc. Worcester) instead of Winchester. He was right enough serv'd, for speaking so ambiguously, if he had so spoken. 6. Gave Rise to the late Earl of Anglesey's Memorandum. In good earnest, Sir, were you awake when you dream'd all this? Was the King (Charles II.) who was known to be a Man of extraordinary Sagacity and Quickness in discerning Mens Temper and Words, so easily impos'd upon, and cheated by a Fallacy, to believe what it was his Interest, more than any Man's, not to believe but upon most cogent Evidence and convincing Reasons! and to tell it so freely, and with Assurance to the Earl of Anglesey, as his Memorandum declares with all due Circumstances; so that his Memorandum may sleep in a whole Skin, for all these Dreams: but of that more in*

in due place hereafter. Having past these short Remarks upon the particular Passages, I shall now confront *his Truth of the Story*, with this *Story of Truth*, in the Bishop's own Words.

Only give me leave before I relate his Words, to say that (besides the friendly Freedom, which he always us'd to me, in kind communicating his Concerns to me) I can guess but at two Reasons, why he should tell me so fully and punctually what I shall presently relate. Either, 1. It was to prevent my being surpris'd at his missing *Winchester*, which some who were most intimate with him, knew he had the Promise, and upon that the Expectation of: Or, 2. Providence stoopt so low, to furnish me with a clear Reply to such a senseless feigned Dream, as I am confuting by it. Now follow Bishop *Gauden's* Words to me on this occasion.

After the Death of the Bishop of *Winchester*, I next Morning waiting on the *How Dr. G.* King, found a remarkable Alteration in him: His Majesty was sad, uneasy, ^{came to} and out of his usual good Humor and Temper; I could not but observe it, but ^{have Wor-} at present took no farther notice of it. The second Morning I found him so, as ^{cester in-} much, or rather more than on the preceding day; yet neither then did I take *Winchest-* any notice of it to him, but when I had a short time waited on him, withdrew. ^{er.} But the third Morning having been fully inform'd that my Lord Chancellor had, by himself and all the Interest he could make, prest the King to bestow the Bishoprick of *Winchester* upon the Bishop of *Worcester*, Dr. *Morly*, I thus address my self to his Majesty. Sir, with all Humility I beg your leave to speak to you, and your Majesty's Gracious Pardon for it. Sir, I well know, not only how well becoming, but how much 'tis the Duty of every good Subject, to contribute to the Ease and Satisfaction of his Prince. And I cannot but conceive, that your Majesty is in some strait, between the Honour of your Word, by which you graciously pleas'd to promise I should succeed my excellent Friend the late Bishop of *Winchester*; and the Importunity, by which you are prest in the behalf of another: I therefore with greatest Willingness, release you freely of that Promise. Here, said the Bishop, the King stopt me; vouchsafed to embrace me in his Arms, with these Expressions. *My Lord, I thank you, and it may not be long, e'er I have opportunity to show you how kindly I take it.* And in the mean time, you shall have *Worcester*; and to make it to you as good as I can, all the Dignities of that Church (*I know not how it comes to pass*) being in my disposal, I give you the disposing of them all, during your time, that you may prefer your Friends, and have them near about you.

And now I appeal to the Judgment of every considerate Reader, whether this *D. Walker's* Story, which I had for the Substance, and to the best of my Memory, in the very Words from Bishop *Gauden's* own Mouth, when the thing was fresh and recent, carry the fairest and most likely Characters of Truth, or the *Aldgate Doctor's* Story: For which he brings no Proof, but his own mere say so, as indeed it is impossible he should: for this must be a true Story, or else a Dream and Vision of my own Imagination; the latter of which, it is both naturally, and morally next to impossible it should be. First, Naturally, for I never pretended to so pregnant an Invention as to devise a Story so self-consistent in all its parts; for Falshoods will not jamm or hang coherently together, be they told with never so good a Grace, and magisterially cram'd down Mens Belief with huffing Menaces, and hectoring Rhetorick, to fright Men to swallow them at their Peril, for fear of being counted contumacious. Witness the Flaws and Incoherences of all the *Aldgate Doctor's* Narratives of this Matter, catch'd up from uncertain Rumours, and piec'd out with groundless Fancies of his own Addition inconsiderately.

Secondly, *Morally impossible*, for *Nemo gratis nequam*, *No Man will lie without Advantage*, much less to create prejudice to himself. And I am sure there is not so much as the Appearance of a Temptation to induce Dr. *Gauden* to tell it me (as I solemnly aver he did) if it had not been the Truth, nor to me to feign it in cool blood, and deliberately to appeal to the God of Truth and Righteousness, as a Witness and Avenger, which I neither would or durst do to gain the World.

This might abundantly suffice to answer the *Aldgate Doctor's* sham Story, concerning the Bishoprick of *Worcester*, in the second Paragraph of his Postscript: yet, tho I be well aware that over-doing is for the most part undoing, and adding Probabilities after clear and full Evidence doth more harm than good, and, like setting Shores and Props to a strong House, creates Suspicion, that 'tis tottering

or like to fall without them; yet I will for once run that Risk and Hazard, and add these three Arguments, to confirm what is before affirm'd.

Argument to shew Dr. G. was promis'd Winchester.
1. 'Tis highly probable that Dr. Gauden had the promise of Winchester (obtain'd by his most intire Friend Bishop Duppa, who besides the Power he had with the King, having been his Tutor, could unriddle to him (as questionless he did) the whole Affair of Εικὼν βασιλική, to which he had been not only privy, but a Party, and pleaded that to obtain the favour of that Promise for him) because divers of his intimate Friends had knowledg of his Expectation to succeed in that See; and why should he abuse his best Friends with a groundless Flam?

2. Because the King was so uneasy, and defer'd some days to give it Dr. Morly, notwithstanding all the Interest made for him, and his Majesty's own Inclination to him, as having been beyond Sea with him in his Banishment: Why not give it presently as soon as vacant, but after some days Demur, and Uneasiness, till his Promise was releas'd by him to whom 'twas made?

Sir D. G. built a House on Clapham Common to be Winchester Mansion-house.
3. I will venture to reveal a Secret at this distance, which was then industriously conceal'd, to prevent being made matter of Sport upon the Disappointment: The Great House built by Sir Dennis Gauden, the Bishop's Brother, upon Clapham Heath, in which Sir Dennis after liv'd, and I think now Mr. Ewers, was built (as I was assur'd by one who knew it well) to be the Mansion-house of the Bishoprick of Winchester, being in that Diocess; for 'tis well known that Winchester-house beyond the Bridg had been pull'd down, and turn'd into Rent and Tenements, and another was to be built or bought in lieu of it, by the Bishop, and settl'd as a Mansion-house for that See, as after Winchester-house in Chelsea was purchas'd by Bishop Morly, and made part of the Bishoprick of Winchester, tho before in the Bishoprick of London; these Diocesses being parted by the Thames.

I could add many more Circumstances relating to this Affair, but at present forbear, as judging them needless.

I am at length arriv'd at the third and last Paragraph of the Aldgate Doctor's Postscript, which is to compensate and make amends for all the Impertinences of the preceding; for thus it begins.

The Story of Sir J. Brattle's Father transcribing the Book from the K's Papers.
Aldgate Doctor's Postscript. 'But to put all things out of doubt concerning this Book, give me leave to tell this Story: I was not many Weeks ago in Conversation with Sir John Brattle, a worthy Person, and who hath long enjoy'd a considerable Office in the Royal Mint; with whom discoursing about King Charles the First, and particularly of the Suspicions rais'd of the Truth of the Book, he frankly told me, and assur'd me the Truth of the Story: That in the year 47 King Charles having drawn up the most considerable part of this Book, and having writ it in some loose Papers at different times, desir'd Bishop Juxton to get some Friend of his (whom he could commend to him as a trusty Person) to look it over, and to put it into an exact Method; the Bishop pitch'd upon Sir John's Father, whom he had been acquainted with for many years, who undertaking the Task, was assisted by this his Son, who declares he sat up with his Father some Nights, to assist him in methodizing those Papers all writ with the King's own Hand. Thanks be to God, Sir John is yet alive, and is ready to give the same Account to any Man that asks him.

Essex Doctor's Reply. Jam ventum est ad Triarios. Sir John Brattle is a Person whose Name I do not remember I have heard before, and therefore make no Judgment prejudicial, or of disadvantage to the Character here given of him. But as the Aldgate Doctor tells the Story, I doubt it may prove as mere a Story as the rest. But before I come to my particular Remarks upon it, I confess 'tis not unpleasant to observe, that when the Doctor's Hand was in at coining Stories, which I have prov'd to be of both so base Metal, and false an Impress, he should have recourse to the Royal Mint, to borrow a more authentick Stamp; for what else can an Office there add to a Testimony in a matter of fact?

But with all due respect to Sir John Brattle, I would ask the Doctor a few Questions.

Sir J. might mistake other Papers for the Book.
1. May it not be possible, without any diminution of Sir John's Veracity, that in more than forty years, there may be some Mistake of other Papers for these, or some other lapse of Memory, about a matter in which he was concern'd but once or twice, and that but transiently and on the by? Or was Sir John, who must be then a young Man, and 'tis likely but in a private Capacity, so well acquainted with

with the King's Hand, which 'tis probable he had seldom or never seen? I believe few private Country Youths, or young Gentlemen, are so very well us'd to their Sovereign's Hand-writing, as to make a critical Judgment of it, and to be able with Assurance to distinguish it from the Writing of all other Men.

2. I would gladly know when and where the King desir'd this of Bishop Juxton; K. Ch. saw not Bp. Juxton all his Troubles, till at last. for I refer my self to those who liv'd in those times, and observ'd the Passages of them, whether they ever so much as heard that the King and Bishop Juxton saw each other, after his Majesty was driven from Westminster by the Tumults, till he was violently brought to St. James's, Jan. 19. 48. to be try'd and barbarously murder'd. The King indeed then obtain'd leave for the good Man to come to him, and assist him in extremis: for neither his Age nor Character permitting him to be serviceable to him in following him in the Wars, he liv'd private and retir'd; and I never heard he saw him, till upon the sad occasion forenam'd, and that was after the Book was printed.

3. Supposing, but by no means granting, that the King had desir'd Bishop Juxton, as is said, to desire a trusty Friend to do it; why another rather than the Bishop himself? Had the King any Friend more trusty than Bishop Juxton? If the King had desir'd him, he was more fit to do it than any Man. or was he too good, or above doing such Service for his Master, who had not a Servant who honour'd and lov'd him more? Or was he too busy to attend it, when he was wholly out of Employment, and enjoy'd the most undisturb'd Privacy and Quiet, of any man that had serv'd the King in any eminent degree? Or was Bishop Juxton less fit and able than a private Man, when the Book consists of Policy and Piety? And who a fitter Judg of what concern'd the first, than one who had so long been Privy Counsellor, and Lord High Treasurer of England? And for the second, he was one on whom the King rely'd, as much, or more than on any Man, for the Conduct of his Conscience; as appear'd by his singling him out to be with him in his Preparations for Death, and upon the infamous Scaffold of his Martyrdom; and who was so able a Divine, that tho' his Publick Employments hinder'd him from preaching often, yet when he did, perform'd it so well, that I remember I heard a Bishop, who was able to judg, say, He thought him one of the most excellent Preachers he ever heard, and gave instance in a Sermon he heard him preach, at Court, on Repentance. And why must Bishop Juxton desire another Man to do that Work, for which (had there been any such Work to be done) he himself was the fittest Man alive, for Fidelity, for Ability, for Inclination to his Master's Service, and for Vacancy and Leisure?

4. Lastly, I pray which of these Stories, in your Postscript, would you have us believe? Your first, of sending it to Mr. Simmonds by a trusty Messenger? or your last, of the King's own delivering it to his trusty Servant Bishop Juxton? 'They cannot both be true; if That, not This, if This not That; they are so contrary: we must suppose the Aldgate Doctor the Relater of the one, and their Majesties Aldgate Chaplain the Relater of the other. I confess the Doubt is too hard for me to resolve. I must e'en leave it to be agreed betwixt themselves.

I might add, I have heard near half a dozen Stories about this Book, all as inconsistent with one another, as these two: Yet all told with equal Assurance, a sufficient prejudice against them all, with all unprejudic'd Persons.

Aldgate Doctor's Postscript. 'And whosoever after this, will suspect this Book, is certainly a Man of that Temper, who will keep up his prejudices against this great Man, in spite of all Evidences, tho' as clear as the Sun at Noon: and for my own part I must tell him, that I think it not worth the while to attempt his farther Satisfaction, because *nulium remedium Deus posuit contumaciae*, God Almighty hath not provided a Remedy for resolv'd Stubbornness, in the ordinary Course of dealing with Men: and if nothing but Miracles will convince them, I have no Commission to pretend to them.

Essex Doctor's Reply. Sir, tho' I will not vapour, and huff my Reader, with comparing what I have truly, sincerely, and as in the sight of God written, concerning my Knowledge and Belief about this Book (fairly declaring the means of my Knowledge, and the Reasons of my Belief) to the Sun at Noon, as you think good to compare your waking Dreams, and random GuesSES (which deserve not to be likened to the Light of the Moon, a day before, or after its Change) yet I abhor keeping up Prejudices against that Great and Excellent Prince; and have only given the account in the first and second Sections, and reply'd to your Slanders and Reproaches (which extorted from me this unwelcome Labour) to clear my Reputation; you having, according to your Talent, as *Alephiboseth* complain'd of Ziba, slander'd

slander'd me to the whole Nation, and to my Lord the King, by presuming to dedicate such stuff to their Sacred Majesties.

And if you persist to slander, *ne videaris errasse*, I leave it to all impartial Men (I could almost say to the most partial, who will compare and weigh, before they censure) to judge between us, where lies the Stubbornness: but however I refer my self to the Righteous Judge to determine betwixt us, who best knows the Ends and Designs, which put you upon writing so rashly, on a Subject for which you appear so ill furnish'd; and me, whom you have constrain'd to it, in a necessary vindication of my self and the Truth.

And tho you conclude, with a modest disclaiming a Pretence to Miracles, let me at parting advise you to take Courage; for if you satisfy any wise Man by such weak and inconsistent Arguments, as that part of your Postscript consists of, in which the *Essex* Doctor is concern'd, 'tis that Doctor's Opinion, your Performance may vie Miracles with any Miracle-mongers celebrated in those *Roman Legends*, which, as one wittily saith, *were written with Leaden Heads, and Brazen Foreheads*.

S E C T. IV.

I Shall in the next place say somewhat to another Paper, publish'd some months before on the same Subject, intitled, *Restitution to the Royal Author*, &c. which I confess I was then desir'd to answer, but forbore, not being personally concern'd.

But Dr. *Hollingsworth* having forc'd me to what I have now done, it seems necessary to add some few Remarks upon this Paper, lest my not taking notice of it should be misinterpreted, to be a tacit Acknowledgment of some Difficulties in it not to be grappled with.

And I must do this Author the right, to own him to be a Person of another Figure, than I have had to do with in the preceding Section: One who writes not *extempore*, *quicquid in buccam* (*in calamum*) catches not up every groundless Report and flying Rumour, and echoes it back as an Oracle; but seems to have weigh'd and consider'd what he writes, endeavouring the best Information he could get; and hath driven it as far as it would go, and relates in some Particulars what is true, and puts some colour of Probability upon those in which he is mistaken, or was ill-inform'd; and does all with modesty and candor, and as becomes a Man who hopes to obtain what he aims at, by sober Reason and dint of Argument, not by Hectoring and noisy Clamour. And I shall treat him as a Person who deserves this Character, which *ex animo* I give him, and hope he will not count me an Enemy for telling him the Truth, but esteem it rather kindness than rudeness to shew him where he is mistaken.

But, first, I shall set down, as he himself hath done, the Earl of *Anglesey's Memorandum*, for furnishing me with which I give him my Thanks; for tho I have seen the Original in Mr. *Millington's* hand, I had no Copy of it ready by me.

M E M O R A N D U M.

" K I N G Charles the Second and the Duke of York, did both (in the last Session of Parliament 1675. when I shew'd them in the Lords House the written Copy of this Book, wherein are some Corrections and Alterations, written with the late King Charles the First's own Hand) assure me, that this was none of the said King's compiling, but made by Dr. *Gauden* Bishop of *Exeter*: which I here insert for the undeceiving others in this Point, by attesting so much under my Hand.

A N G L E S E Y.

Now this Gentleman is pleas'd to raise three Objections against this *Memorandum*, to enervate the Force and Credit of it; notwithstanding which Objections, I think this *Memorandum* very authentick, and an unconquerable Evidence to prove the Truth of what I have so sincerely declar'd concerning this Book: And in a just vindication of it, I will first answer all his Objections produc'd against it; and farther subjoin a Remark, which I hope may be of some use, and therefore not unacceptable, which could not be given by any other Pen.

First Objection: 'It calls the Duke, his then Royal Highness, *The Duke of York*, which was no Court-Language in 1675. there being neither Reason nor Custom for such a length of Distinction at that time. Obj. The Memorandum not writ in Court Language.

Ans. 1. *Loquendum cum vulgo*; and I appeal to Experience, if he were not call'd the Duke of York ten times to once that he was call'd his Royal Highness; and for the length, the former is the shorter of the two. But he proceeds in the same Objection: Now it is somewhat unlikely, that a Person of Honour and a Courtier, especially one of my late Lord Anglesey's Sense, should be guilty of such an Impropriety. Ans. It was the common way of speaking. Was no Improprity of Speech.

Ans. No Improprity at all; especially if we consider this was not spoken in Court, but privately writ in a Leaf before the Book: for in such-like Cases, even Courtiers confine not themselves to the Punctilios they observe in speaking or in writing what is to be publish'd.

2. I hope I may convince himself, how weak and non-concluding this Argument is, by a Passage with which he hath furnish'd me in the same Page, line 36, 37. viz. *His pt. Majesty King James the Second*; if that Abbreviation *pt.* stand for present, as I perceive 'tis generally believ'd to do, let us form two parallel Arguments. His Argument against the Earl of Anglesey's being Author of the *Memorandum*, runs thus: 'A Courtier, and a Person of such Sense as the late Earl of Anglesey, could not write this *Memorandum*, because 'tis unlikely such an one should be guilty of such Improprity of Language, as to call his then Royal Highness Duke of York, which was no Court-Language in 1675. Very good.

Now suppose it should in time be question'd, Whether this Gentleman wrote the two Sheets call'd *Restitution*, &c. and one should argue against it, with a parallel Argument: A Man of such sense could not write them, because 'tis somewhat unlikely that he should be guilty of such Improprity of Language, as to call him, *His present Majesty King James the Second*; which is neither Court-Language nor Country-Language in 1691. Now what think you, Sir, would this Argument exclude you from being the Writer of these Sheets? If not, why should a less Improprity of Language exclude the Earl of Anglesey from being the Writer of this *Memorandum*? especially if we consider that (supposing, but not yielding) if he express himself not like a Courtier, 'twas a private Note in a Leaf of a Book, which might be seen, or never seen; and you have made yours publick to the wide World.

2. Second Objection: 'We are inform'd by the Advertisement, that in the written Copy of the *Εικων Βασιλικη*, there are some Corrections and Alterations written with the late King Charles the First's own Hand: which is no contemptible Argument, if we had no other, that the King was the Author; otherwise we should be at a loss for the Reason of his Majesty's correcting the Manuscript, and suffering it to pass under the Title of his own Composure.

Ans. What the Corrections by the King's own Hand seem to you to be an Argument of, seems to me quite contrary; and I assuredly believe, this corrected Copy was that sent by the Marquess of Hertford from Dr. Gauden (as I gave account, *Self. 1. Reas. 3.*) on purpose to be corrected, allow'd, or laid aside, as his Majesty should think good. See the Section refer'd to. The Corrections of the Copy by the King no Argument of his being the Author.

And if the King himself had been the Author, Why was not the Book in his own Handwriting, as well as the Corrections and Alterations? or why any Corrections of a fair Copy, if he had finish'd the Original himself before 'twas copied? Or why, if he sent it to be printed, did he not send the corrected Copy, rather than an imperfect one, which needed his Correction and Alteration? These Considerations confirm me beyond the least Hesitancy, this was the Copy the Marquess of Hertford brought his Majesty at the time of the Treaty in the *Isle of Wight*. But the Violence towards him hastned so fast, he could not transmit it back, and Dr. Gauden and Bp Duppa thought it better to print it as was, than to defer it till it would be too late to do him the Service they design'd by it.

3. Objection the Third: 'The making Bishop Gauden the Author of this Book, is another Disadvantage to the Credit of the *Memorandum*; for the Style, the Air, and Thought of *Εικων Βασιλικη*, is as different from the management of Bishop Gauden's Writings as is possible to imagine: But out of respect to the Bishop's Memory, I forbear to insist upon the Comparison.

Ans.

A Man's Stile at one time different from his Stile at another. *Ans.* This Objection from the Stile is a very thin and feeble one, as I could easily make appear, if I would enter upon the Theme of critical Judging of the Authors of Books, by the Stile in which they are written: and to name no more, I might fetch Assistance from *Elias Du Pin*, a *Sorbon* Doctor, in his excellent new *Bibliothec of Ecclesiastical Writers*; by many Volumes of which he hath oblig'd the Learned Part of the World, and rais'd their Expectation and Desire of the rest. But I will avoid such an unnecessary Digression, it being sufficient to blunt the edge of this Objection, to suggest these two Considerations.

First, It ought to be consider'd, whether the Writings compar'd are of the same kind? for a Man may differ more from himself, when his Writings are of different kinds, than two Strangers differ in their Stile, whose Design and End of Writing is the same: Or the Sermons or Disputings of different Men may be more like one another, if you compare Sermon with Sermon, and Disputation with Disputation, than the Stile of the same Man is like it self, if you compare different kinds of his Writings, as Sermons with Disputations, or either of these with an Oration fitted for a Learned Assembly. And 'tis an Observation very common, that the antient Fathers greatly differ in their Stile, and Air, and Notions, in their popular Harangues and Exhortations, their Polemick Tracts, and their Books of Devotion. So that whatever *Dr. Gauden's* way of Management were in his other Writings, the difference of the Subject between them and this Book, gives a fair account of the different Stile, Air, and Thought, admitting it were as great as the Objection would suppose it.

Especially if he personates another. *Secondly*, If the Stile and Air of Mens Writings be various, when the kinds of their Writings are different, tho they write without Disguise, and only change their Stile, to accommodate it to the Subject or Kind of Writing in which they are engag'd: How much more reasonable is it to allow it must be so, when they on purpose do *induere Personam*, personate another Man, and endeavour to the utmost to appear like him for whom they write, and whose Name and Circumstances they tacitly assume? What wonder that *Idem non est Idem*, the same Man appears not like himself, when he feigns himself to be another? as *Bishop Gauden* did, and wrote this Book as in his Majesty's Name, tho to be us'd, allow'd, or alter'd as the King should please.

I have heard it hath been the Custom of former Reigns, for the Lord Chancellor, some Privy Counsellor, or a Junctō of the Council, to pen or draw up Speeches, to be spoken by the King in Parliament, or on some other Solemn Occasion, or in Declarations. Now any Man of Sense will readily grant, that they who pen such Speeches, keep not to their own Stile, or Air, or Thought, which they use when they speak in their own Name or Person; but do the best they can, to adapt them to the Royal Person for whose Use and Service they are prepar'd: and thus it most evidently was in this present Case.

He proceeds in this Objection. 'Tis likely therefore that King *Charles II.* and the then Duke, might tell the late Earl of *Anglesey* (which his Lordship might possibly forget) that the Manuscript was not King *Charles* the First his hand, but a Transcript of *Dr. Gauden's* writing; which as it agrees with matter of Fact, it gives a fair Account of the Alterations in the Copy, which the *Memorandum* grants were made by the King.

If K. Ch. wrote the Book, why did he not correct it himself? *Ans.* This is soon said, but very ill contriv'd; for 'tis not only highly improbable, but merely *suppositio impossibilis*. If the King had writ it, why not correct his own Copy? But how should *Dr. Gauden* receive it from the King? He was utterly unknown to him, liv'd at a great distance from him, in the Parliament's Quarters, was under prejudice with the Royal Party. I am sorry this Gentleman writes, for once, so like him who feign'd the Story of the King's sending it to *Mr. Simmonds*, and he sending for his Neighbour *Gauden*, and lending it him; and all this dispatch'd in a trice, when *Mr. Simmonds* had been so many Years driven, for his Loyalty, from his Neighbourhood.

The K. corrected the Copy sent from Dr. G. But the fair and faithful Account, and which indeed agrees with matter of Fact, is, This was the Copy the Marquis of *Hertford* carry'd to the King, when he went to the Treaty at the *Ile of Wight*, from *Dr. Gauden*, and was humbly submitted to his Majesty's Wisdom to be alter'd, corrected, approv'd, or disallow'd, and dispos'd of as he should please; and accordingly the King corrected it, to fit it more to his own Sense.

Having finish'd his Objections against the *Memorandum*, this Gentleman proceeds thus to his second Strength.

2. Supposing this *Memorandum* had all the pretended Advantages, I shall now produce such Proof against it, which, the Circumstances of the Evidence consider'd, must be allow'd to over-balance his Lordship's Attestation.

1. We have the Letters Patents of King *Charles II.* dated *Nov. 29. 1660.* in which *R. Royston* of *London* Bookseller, has that sole Privilege given him of printing all the Works of King *Charles I.* among which *Ἐικὼν Βασιλική* is mention'd, with a particular Character of Commendation.

2. The same Privilege for re-printing the Works of King *Charles I.* is granted to the above-mention'd *R. Royston*, by his present Majesty King *James II.* as appears by his Majesty's Letters, dated *February 22, 1685* which Grant refers expressly to the first Edition, publish'd by *R. Royston*, in the Year 1662. and in which his Majesty declares, that all the Works of his Royal Father were collected and publish'd; which former Impression, as I have already observ'd, makes particular mention of *Ἐικὼν Βασιλική*. Now I leave it to any unprejudic'd Person to judge, whether it is in the least probable, that either of their Majesties should tell the late Earl of *Anglesey*, that this excellent Book was written by *Dr. Gauden*, since they both have own'd it to be their Royal Father's in so publick a manner. So that to use the Expression of the Advertisement, if the Declaration of two Kings; made with all the Circumstances of Advantage, may be believ'd before a blind Manuscript, written by a doubtful Hand, and grounded upon a private Relation; then we have sufficient Evidence to satisfy the World, how much this Adviser has endeavour'd to impose upon it.

Ans^r. As to the Letters Patent to print this Book amongst the Works of King *Charles I.* on which depends the whole Strength of the Argument; I confess 'tis a nice and tender point, which good Manners, rather than want of good Reasons, restrain me from fuller answering. I think it may suffice to say, with Modesty and Caution, Kings use not so critically to inspect all the minute Particulars of their general Royal Grants; but sign them, as drawn up for the best Advantage of the Grantee: and an Under-Secretary or Clerk, who drew the Patents, put in what *Mr. Royston* reckon'd up and desir'd, and never bogg'd at inserting *Ἐικὼν Βασιλική* among King *Charles's* Works, because it was so reputed by most, and few knew the Mystery, and they who did, did all they then could to hide and conceal it. And suppose either of the Kings had examin'd every particular, it was at utmost but conniving at a vulgar Error, which it was not their Interest too nicely to discover. And indeed the Argument is so palpably weak, that I am persuaded this Writer, being a Person of so good Sense, puts no Stress upon it; but added it for Number rather than Weight, being rather too hot than too heavy to be dealt with; and for want of better (which 'tis exceeding hard to find, to prove what is not true) brings in such an Argument, as in the Schools we call captious, or *Argumentum odiosum*, which Respondents use, allowably, to reject, not answer; because 'tis design'd not for real Proof, but to involve the Answerer in some Odium and Danger, and dismiss it unreply'd to, not because they cannot, but because they dare not answer it, or with *Benevolence* shew its Weakness. And yet to approach one step closer, what understanding Man believes all the other particular Pieces, which make up the whole Volume of the Works of King *Charles I.* to be originally penn'd by himself; but knows many of them were prepar'd by his Secretaries and Council, and then perus'd and approv'd by him, and so became his, by adding the Royal Stamp of his Approbation and Owning of them? And the same was design'd in this Book, as hath been shew'd before. I shall conclude this Discourse of the Letters Patent to *Mr. Royston* to print the King's Works, and inferring this to be undoubtedly so, because nam'd amongst them, with a parallel Case, of a suppos'd License to print the Works of as great a King.

Admit *Mr. Royston* had obtain'd a Patent to have the sole printing the Works of King *David*; and to make all sure that no Man might in the least invade his Privilege, had got it explicitly inserted into his Patent, All the Works of King *David*, that is to say, the whole Book of *Psalms*, containing in number one hundred and fifty (which is no hard Supposition) Would it have follow'd hence that he who granted this Patent, had publish'd to all the World, that he knew and believ'd, that *David* was the real Pen-man of them all? for some of them were certainly written some Ages after *David's* Death, after the return of the *Babylonish* Captivity; and some by *Heman, Asaph*, &c. I grant his Patent might secure his Right to print all the 150, but 'twould be an invalid Argument to prove that *David* wrote all: It needs no Application.

The Patents for printing K. Ch. I's Works, no Argument of this being one of them.

Argumentum odiosum what.

Having thus far vindicated the Truth of the Earl of *Anglesey's Memorandum*; and consequently, the Honour of his Lordship's Memory, from the Charge of Forgery cast upon it, by shewing good Reason why I cannot allow the pretended Proof against it, to over-balance his Lordship's Attestation; which, how sufficiently I have perform'd, I freely leave to the Judgment of all impartial Readers:

Providence in suffering the Book to be printed as it were K. Ch. P. I shall now subjoin the Remark I promis'd to set down, when I had answer'd the Objections against the *Memorandum*. And it is to shew, by comparing two signal Providences about this Book, how it seems to be the Will of God (for what special Ends is best known to his holy and unsearchable Wisdom, at some of which, I may give my humble Guesſes in due place) both to have this Book publish'd and own'd, as the Compoſure of King *Charles I.* for ſome time; and then to have the full Truth in due time come to that light, in which the ſtarting thoſe freſh Conteſts about it is like to ſet it.

The Firſt, which I call a ſignal Providence towards its being publiſh'd, is, the preventing its being ſeiz'd upon, and ſtopt in the Preſs, when the Proof Sheets (if not alſo ſo much of the Copy as thoſe Sheets contain'd) were actually in the Hand and Poſſeſſion of, and carry'd away by a great an Enemy of the King's (as any Man living was) as Mr. *Simmonds* deſcrib'd him to me. I beg pardon for the length of the Story, which I ſhall relate from Mr. *Simmonds*, becauſe I think it worth the knowing, and alſo becauſe 'tis an Evidence I write not in this Affair by Hearſay and Conjecture (as moſt do) but as of what I was privy to, and had a hand in all along from firſt to laſt.

Upon *Monday, January* the 8th or 15th (for I have written Memorials by me, which aſſure me, it could not be ſo early as the 1ſt, nor ſo late as the 22d) Mr. *Simmonds* came to my Chamber at *Warwick-Houſe*, where I then was Chaplain; and as a Man frighted abruptly ſpake to me, We are undone, or in great danger to be ſo, if you do not help us, which I hope you may, being in this Family. And when I aſk'd him what the matter was? he having a little recover'd himſelf, told me the following Story; and when he had done, we conſulted what Remedy was to be us'd. His Story was as followeth.

How the original Copy was preſerved from being deſtroy'd before printing. I was, ſaid he, a while ſince at a Gentleman's Houſe, a Friend of mine, in *Hertfordſhire*; whiſt I was there, there came a Troop of Horſe of Col. *Rich's* Regiment, to quarter thereabouts; and the Lieutenant, whoſe Name is *Arwaker*, quarter'd in my Friend's Houſe: He and I had many fierce Diſputes about the Cauſe betwixt the King and Parliament, and the Army's Uſage of his Maſteſty. By which he was ſo provok'd, that at laſt he told me he would not ſuffer it, and ſaid, he would revenge it, were it not that he would not violate his Quarters. Whereupon, I thought the Place too hot for me to tarry longer in, and therefore haſted back to *London*, to my Lodgings in *Carter-Lane*. Not long after, that Troop came up to *London*, and the ſame Lieutenant quarter'd at the Bell in the ſame Lane. And yeſterday about Twelve, as I was coming from Church to my Lodgings, we met each other in *Carter-Lane*: He knew me, but ſaid nothing to me, but turn'd again when he had paſt me, and dogged me to the Houſe I lodg'd in. As ſoon as I was in, and had ſhut the Door, he diſcharg'd his Piſtol with a brace of Bullets, to mark the Door, and haſted away to the Bell. As ſoon as the Maſter of the Houſe told me he was gone, I got away, and he preſently return'd with ſix Troopers, and ſearch'd the Houſe for me; and breaking open my Cloſet, took away all my Papers, and the printed Proof-Sheets which lay looſe upon my Table: but they ſeeing them blotted, and thinking them to be but waſt Paper, and not underſtanding the Title, it being Greek, or not having look'd into them, threw them down in the Dirt, which they of the Houſe obſerving, gather'd up. We then, after conſulting what to do, concluded the beſt, if not the only way we could take, was to get a Note from Col. *Rich* to his Lieutenant, to reſtore all he had ſo taken from Mr. *Simmonds*. It hapned, even beyond our Hopes and Expectations, that the very ſame day Col. *Rich* came to dine at *Warwick-Houſe*; and between Prayers and Dinner, I deſir'd Mr. *Charles Rich* (after Earl of *Warwick*) to requeſt a Favour for me of the Colonel, who beckon'd him to him croſs the Room, and deſir'd him to do me a kindneſs, and refer'd him to me to know what it was. The Colonel drew me aſide, and aſk'd what it was I deſir'd of him; I then aſk'd him if there were not one Lieutenant *Arwaker* in his Regiment? he ſaid there was: I then told him he had, upon a Pique, broke open a Miniſter's Cloſet, and taken away all his Sermon-Notes, and other Papers; and to dif-

disguise the better, jocularly added, He hath undone a poor Parson in robbing him of all his Tools; and pray'd him to write a Note to him, to require him to restore them.

The Colonel was so kind and just, upon my fetching Pen, Ink and Paper, to write a Note to him to re-deliver all; which he did so punctually, that Mr. *Simmonds* told me, he missed not one Paper, when his Landlord who carried the Note brought them, for he durst not appear himself: so good and speedy Success we had, even beyond our Hopes; and there was no time to examine the Papers, all being dispatch'd the next day after they were seiz'd. Now whatever others may think, I judg it a Sign that God would have them publish'd for some eminent Ends, which, as I before hinted, I may touch hereafter; tho I argue not from his permissive to his approving Providence.

The second signal Providence, which seems to me to signify, that on the other side *Providence* God would now have the Truth of this Affair brought to light, is, the Discovery of God in of this *Memorandum* in so publick and unexpected a manner, which is as generally bringing this Matter to light known as the *Memorandum* it self; to wit, at the Sale of the Earl of *Anglesey's* Books by publick Auction. 'Tis like no Eye had seen it from the time of the now. writing of it; and if Mr. *Millington* had not casually open'd the Book, there being some time betwixt the putting it up and the Sale of it, it might in all likelihood have fallen into some Hand, who would either have not regarded it, or conceal'd it: to which may be added, Dr. *Hollingsworth's* unseasonable provoking me, to declare what I now have done, in my own necessary, yea unavoidable Vindication of my self, from his insulting and most false Accusations.

For what remains of the two Sheets, tho I forbear the transcribing them, 'tis to avoid a tedious Work, which is needless; not to conceal any strength in them, for I shall faithfully reply to all that hath any seeming weight in it.

In Sir *William Dugdale's* Account here quoted, there are four things asserted; *Sir W. Dugdale's Account of the Book examin'd.* to all which I shall answer in order, denying what I know to be Mistakes, and granting what I know or believe to be true or probable; and give the Reasons of such my Denying or Granting.

1. The first and most material Passage, is that concerning Major *Huntington*; to which I say two things: (1.) That this Account of his Testimony, is wholly different from what was us'd to be alledg'd as his; and I have very often heard, but never met with this before: And 'tis highly improbable, that the Lord *Fairfax* would take any thing out of the Cabinet, and send up the Cullings to the Parliament, who publish'd his Majesty's Letters, on which the 21st Chapter of the Book is written; nor had Gen. *Fairfax* that Respect or Tenderness for the King then, tho he was heartily against his Murder. (2.) I will in the Faith of a Christian declare what I had from Major *Huntington's* own Mouth, without diminution or wresting of it. I had so often heard Major *Huntington's* Testimony alledg'd, that whilst he had attended his Majesty, or had the guarding of him, he saw the King frequently take these Papers out of his Cabinet, and sometimes read them, sometimes write more; and that when he saw the Book, he declar'd those Chapters in it were those very Papers he had so seen.

I having, I say, so often heard this alledg'd, and knowing well it was impossible *The Author's Conversation with Major Huntington about the Book.* to be true, had as earnest a desire to speak with him, as ever I had to speak with any Man, but could a good while meet with no opportunity: but after some time being at *Tunbridg-Wells*, the Major coming thither, with his Son-in-law Sir *John Huntington-Friend*, a fair occasion offer'd; for after some small Acquaintance and Conversation upon the Walks, the Major invited me to his Lodgings at *Caverly-Plain*, which I most readily accepted, and made him a Visit one Afternoon. When I came, he receiv'd me very kindly, and all the Company, besides himself, being engag'd in their Divertisements, I had as free an opportunity as I could wish to discourse of this Affair; after a while I told him I had a Favour to beg of him, in granting which he would greatly oblige me. He answer'd to this purpose, He would not deny me any thing in his Power wherein he might serve me. I then told him what I heard, as I have above related, and earnestly intreated him to tell me what he knew, or had said of that Book. He willingly condescended, and began thus: 'Tis like you have heard how much Trouble this hath put me to; I have been examin'd by one Committee after another, and that time after time, about it, and many things alledg'd that I should say. But I will tell you freely and fully all I know, or ever said concerning it, which was this: When that Book was

publish'd, and so confidently reported to be the King's; then surely, or I believe, these are the Papers I see him so usually take out of his Cabinet. But this was but my Conjecture, and I never declar'd it to be otherwise: for I assure you, I never read one Line or Word of the Papers in the King's Hand; I was not so rude; and I cannot say there was one Passage in these Papers, which is in this printed Book. For how should I, never having look'd into them? Now whether I should believe Major *Huntington*, whose Account, as in the Sight of God, I faithfully relate as to the Scope or Substance of it, or an Account so utterly inconsistent with it, and which is in it-self so highly improbable, let any considering Man judg.

2. I confess, as Sir *William* saith, it might be seen at the *Isle of Wight*, by Mr. *Herbert* and Mr. *Levet*, for the Marquiss of *Hertford* carry'd it thither; but if the Title was *Suspiria Regalia*, it was one of the King's Corrections. For when Dr. *Gauden* first shew'd it me, it was as is printed; for when I was bold to ask him how he could so impose upon the World? he bid me look upon the Title, 'tis the Portraiture, &c. and no Man draws his own Picture; as I said before, *Sec.* the first.

3. I confess also Mr. *Royston* might be sent to, to prepare to print it; and 'tis likely the King might have sent it as he had corrected and alter'd it, had not the Violence offer'd him prevented his purpose; or they who us'd his Name to write in, might do the same for the printing it.

4. For its being brought to Mr. *Royston*, Decemb. 23. from Bishop *Duppa*, agrees well with my Account as to the Persons; but I rather think it was some Days before, unless he meant it of what he last receiv'd: for I am infallibly sure, having a written Memorial to help me, that I brought up what was sent by me, Saturday December 23. and I think deliver'd it to *Peacock* the same Evening.

Mr. W. L.'s
Letter of
the Book's
being the
K's Writing
consider'd.

In the second Authority produced, viz. Mr. *William Levet*'s long Letter, tho there be many things very well said, with a Loyal Zeal, and just Indignation against the barbarous Usage of that excellent Prince, yet there are but two Passages which respect this Book; the latter of which, about Mr. *Royston*, is fully answer'd already.

The other is, That he could depose the Book was his own, having oftentimes observ'd his Majesty writing his Royal Resentments of the bold and insolent Behavior of his Soldiers (his rebellious Subjects) when they had him in their Custody; and that he had the Happiness oftentimes to read the same in Manuscript under his Majesty's own Hand, he being pleas'd to leave the same in the Window in his own Bed-Chamber.

Ans. 1. There is no such Chapter or Title in all ΕΙΚΟΝ ΒΑΣΙΛΙΚΗ; and therefore, tho I do not deny but Mr. *Levet* might see his Majesty writing such his Resentments, that is no Proof he wrote this Book, in which that Writing is not found.

2. That he read it in the King's Bed-Chamber, in the time of the Treaty at the *Isle of Wight*; this I can easily grant him, for then, and thither, the Marquiss of *Hertford* brought it: but that it was under the King's own Hand, I must beg his Pardon, to believe he is mistaken, unless it be understood of the Corrections and Alterations, which the *Memorandum* saith were written with the King's own Hand, or his Majesty had transcrib'd it.

And now, Sir, whether these Authorities, or my Answers to them; your Remarks upon the *Memorandum*, or my Replies in Vindication of it, be more sufficient to clear the Point in hand, and give the Reader full Satisfaction, must be left to his own Judgment: and if he will be pleas'd to consider and weigh both, 'tis all the Courtesy I beg of him, or Courtship I will use to him.

SECT. V.

I shall conclude this Labor, not chosen by me, but impos'd upon me by Dr. *H.* for my own Vindication, and to wipe off his false Accusation, of being guilty of a false Story, by a free owning these Reasons, for which I have occasionally, and when I have been desir'd to do it, declar'd the Substance of what he hath forc'd me now to write, tho not in any measure to that degree he hath taken liberty to represent it.

And first negatively, not to rob that excellent King of any Honor which was properly due to him; no Man of my Rank loving him better, or honouring him more, while he liv'd; or more abhorring his Murder, or bewailing his Death; or (in my Station) giving more open Testimony against it, or sustaining greater loss for so doing: but I need not vindicate my self, in a Case wherein I never heard my self accus'd or suspected.

But positively. The Reason why I have done what I own, was because, as *The Reasons why Dr. Walker published what he knew concerning this Book,* we must not speak wickedly for God, nor talk deceitfully for him, Job 13. 7. neither may we do so for any Man, even not for those who are call'd Gods. 'Tis a well known, and as well approv'd a Saying of St. *Augustin*, An officious Lie ought not to be told to save the whole World. And I cannot deny, but there was more than an Appearance of some pious Fraud in this Affair, which I should, by my silence, have contributed to the maintaining of, when I was requir'd to speak my Knowledge of it.

And tho God had many Holy, Righteous, Gracious Ends to serve his Providence by, in the Publication of this Book; as, to render the Murder of so good a King more abhorred; to awaken many to Repentance who had contributed to it (as I have heard it did) to dispose the Nation to recal, and with Acclamations of Joy to receive the returning Royal Family, and many more: Yet, as I find it express'd in this very Book, Chap. the last, pag. 262. of the First Edition; *God's wise Providence (we know) oft permits many Events, which his reveal'd Word (the only clear, safe and fix'd Rule of good Actions, and good Consciences) in no sort approves.* And I confess, I have many cogent Reasons to persuade me, that God was not well pleas'd with Dr. *Gauden*, others, or my self, for what we contributed to it. And tho for the foresaid Ends, and many others, he suffer'd it to succeed, yet I know not but he may have other Ends now to serve, by suffering this Discovery to be wrung and wrested from me (I had almost said) by some-body's impertinent Affectation to meddle with what he understands not.

However it would be hard measure, and such as other Men would be loth to have meted to themselves, not to suffer a Man to reveal that, by concealing which he fears God is displeas'd, and so to necessitate him to labour under a continu'd Uneasiness, and Dissatisfaction of his own Mind: And if for avoiding this, any be offended, I cannot help it. I only calmly intreat them to judg, whether it be more expedient to please them than God, and in cool blood to consider what I have honestly and sincerely written. If it convince not, if it satisfy them not, let them retain their former Sentiments; 'tis at this distance of time (being more than 43 Years) of no Consequence, whether it were so, or so; I am sure, not of any equal Concern to any body to know it, as it is to me, when put upon it to discover it: for it would involve me in some Guilt to refuse it, in such Circumstances, which I cannot see the danger of to other Men, wholly Strangers to the Affair, how different soever their Opinions be, if they do not maliciously slander them who cannot be of their Minds, till they be convinc'd by stronger Arguments than those upon which my Persuasion is grounded; which I concisely will here re-capitulate (tho I intreat the Reader to review the two First Sections.)

1. When Dr. *Gauden* shew'd me the Heads of the design'd Chapters, and those he had written, I ask'd him how he satisfy'd himself, so to impose upon the World? His Answer was, Look upon the Title, 'tis the Portraiture, and none draws his own Picture. *The Reasons why the Author believes the Book wrote by Dr. G.*

2. When we return'd from Bishop *Duppa's*, he told me the Bishop had propounded two Subjects more to be written on, but desir'd him to finish what remain'd, and he would prepare two Chapters on these Subjects.

3. He told me he sent a Copy to the King, in the *Ile of Wight*, by the Marquis of *Hertford*, and humbly desir'd to know his Majesty's Pleasure concerning it.

4. He told me the Duke of *York* knew he wrote it, and own'd it to him to be a seasonable and good Service.

5. His Wife, some others, and my self, believ'd it as firmly, as we could do any Matter of Fact: and there is no shadow of Appearance why he should put so gross a Cheat upon us all; for 'twas before 'twas finish'd, and a good while before 'twas printed, we so believ'd: and therefore he had not the Temptation to steal the Applause it met with when made publick.

6. He deliver'd to me with his own Hand what was last sent up, which I carry'd with me to *London, December 23, 1648.* These are the Reasons, why I believe as I do, the Affirmative part of the Question, that *Dr. Gauden* was the Author; and as I believe, I have also spoken: And if any Man can produce stronger Reasons for the Negative Part, I do not say only I will, but that I must believe that contrary Part. For no Man who considers, can believe as he lists, but the weightiest Arguments will turn the Scale.

And if any will be so charitable as to reclaim me from an Error he supposes I am in, I even beseech him to write nothing for the Truth, of which he does not make the like Appeals to God which I have done: for if he attempt it by Rallery or Railing, by feeble Conjectures, or Stories inconsistent with themselves, or contradicting one another, he may with more Discretion spare his Pains: for as no wise man will be influenc'd further by such Tools, than to pity them who use them, or make themselves merry; so I confess, I am so tir'd with examining such Ware, and so cloy'd with such *Quelk-chose*, I shall have no Stomach to such Fare, or think my self concern'd to take notice of it.

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